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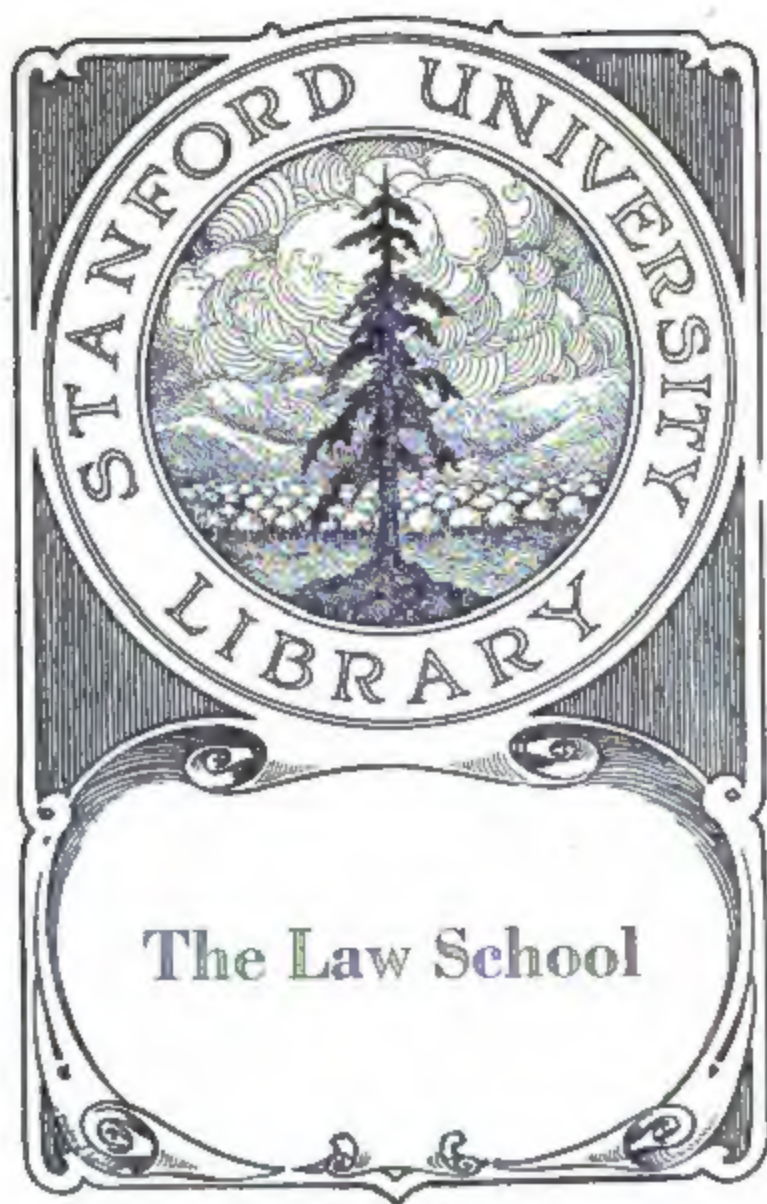
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J. V. A. Smith  
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ACTS OF A GENERAL NATURE,  
PASSED BY THE  
FORTY-SIXTH GENERAL ASSEMBLY  
OF THE  
STATE OF OHIO,

BEGUN AND HELD IN THE CITY OF COLUMBUS,

DECEMBER 6, 1847,

AND

IN THE FORTY-SIXTH YEAR OF SAID STATE.

VOL XLVI

WILLIAM W. LESTER

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# ACTS OF A GENERAL NATURE.

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## AN ACT

Prescribing the times of holding the Supreme Court for the year 1848.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the supreme court shall be holden in the several counties in this state for the year one thousand eight hundred and forty-eight, as follows, to wit :

- In the county of Columbiana, on Monday, April third ;
- In the county of Jefferson, on Thursday, April sixth ;
- In the county of Washington, on Monday, April tenth ;
- In the county of Meigs, on Wednesday, April twelfth ;
- In the county of Gallia, on Friday, April fourteenth ;
- In the county of Lawrence, on Monday, April seventeenth ;
- In the county of Scioto, on Wednesday, April nineteenth ;
- In the county of Adams, on Saturday, April twenty-second ;
- In the county of Brown, on Monday, April twenty-fourth ;
- In the county of Clermont, on Thursday, April twenty-seventh ;
- In the county of Hamilton, on Monday, May first ;
- In the county of Butler, on Thursday, May twenty-fifth ;
- In the county of Warren, on Wednesday, May thirty-first ;
- In the county of Greene, on Friday, June second ;
- In the county of Clinton, on Monday, June fifth ;
- In the county of Highland, on Wednesday, June seventh ;
- In the county of Fayette, on Friday, June ninth ;
- In the county of Madison, on Monday, June twelfth ;
- In the county of Clark, on Wednesday, June fourteenth ;
- In the county of Montgomery, on Thursday, June fifteenth ;
- In the county of Preble, on Monday, June nineteenth ;
- In the county of Darke, on Wednesday, June twenty-first ;
- In the county of Miami, on Thursday, June, twenty-second ;
- In the county of Shelby, on Monday, June twenty-sixth ;
- In the county of Mercer, on Wednesday, June twenty-eighth ;
- In the county of Allen, on Friday, June thirtieth ;
- In the county of Hardin, on Saturday, July first ;
- In the county of Logan, on Monday, July third ;
- In the county of Champaign, on Tuesday, July fourth ;

In the county of Union, on Thursday, July sixth ;  
 In the county of Delaware, on Friday, July seventh ;  
 In the county of Marion, on Monday, July tenth ;  
 In the county of Crawford, on Tuesday, July eleventh ;  
 In the county of Wyandott, on Wednesday, July twelfth ;  
 In the county of Seneca, on Thursday, July thirteenth ;  
 In the county of Hancock, on Saturday, July fifteenth ;  
 In the county of Putnam, on Monday, July seventeenth ;  
 In the county of Vanwert, on Wednesday, July nineteenth ;  
 In the county of Paulding, on Thursday, July twentieth ;  
 In the county of Defiance, on Friday, July twenty-first ;  
 In the county of Williams, on Monday, July twenty-fourth ;  
 In the county of Henry, on Tuesday, July twenty-fifth ;  
 In the county of Lucas, on Wednesday, July twenty-sixth ;  
 In the county of Wood, on Monday, July thirty-first ;  
 In the county of Ottawa, on Wednesday, August second ;  
 In the county of Sandusky, on Thursday, August third ;  
 In the county of Erie, on Monday, August seventh ;  
 In the county of Huron, on Wednesday, August ninth ;  
 In the county of Lorain, on Friday, August eleventh ;  
 In the county of Cuyahoga, on Monday, August fourteenth ;  
 In the county of Geauga, on Wednesday, August twenty-third ;  
 In the county of Lake, on Friday, August twenty-fifth ;  
 In the county of Ashtabula, on Tuesday, August twenty-ninth ;  
 In the county of Trumbull, on Monday, September fourth ;  
 In the county of Mahoning, on Thursday, September fourteenth ;  
 In the county of Portage, on Friday, September fifteenth ;  
 In the county of Summit, on Tuesday, September nineteenth ;  
 In the county of Medina, on Monday, September twenty-fifth ;  
 In the county of Wayne, on Tuesday, September twenty-sixth ;  
 In the county of Ashland, on Thursday, September twenty-eighth ;  
 In the county of Richland, on Friday, September twenty-ninth ;  
 In the county of Knox, on Monday, October second ;  
 In the county of Licking, on Wednesday, October fourth ;  
 In the county of Coshocton, on Monday, October ninth ;  
 In the county of Holmes, on Wednesday, October eleventh ;  
 In the county of Tuscarawas, on Saturday, October fourteenth ;  
 In the county of Stark, on Monday, October sixteenth ;  
 In the county of Carroll, on Wednesday, October eighteenth ;  
 In the county of Harrison, on Friday, October twentieth ;  
 In the county of Belmont, on Monday, October twenty-third ;

In the county of Monroe, on Friday, October twenty-seventh ;  
 In the county of Guernsey, on Monday, October thirtieth ;  
 In the county of Muskingum, on Tuesday, October thirty-first ;

In the county of Morgan, on Thursday, November second ;  
 In the county of Perry, on Monday, November sixth ;  
 In the county of Fairfield, on Wednesday, November eighth ;  
 In the county of Hocking, on Monday, November thirteenth ;  
 In the county of Athens, on Wednesday, November fifteenth ;  
 In the county of Jackson, on Saturday, November eighteenth ;  
 In the county of Pike, on Monday, November twentieth ;  
 In the county of Ross, on Tuesday, November twenty-first ;  
 In the county of Pickaway, on Saturday, November twenty-fifth ;

In the county of Franklin, on Wednesday, November twenty-ninth ;

And the court in bank, on Monday, December fourth.

SEC. 2. The supreme court is authorized, when the business shall so require, to continue its term in any county beyond the time allowed to said county ; and if from any cause it shall so happen that said court shall fail to be held in any county, the court may, with consent of parties, hear and determine any of the issues in said county, in any other convenient county ; and said court shall have the same power, when there shall not be time in any county to dispose of the business in such county, to hear and determine, with the consent of parties, any business thus undisposed of, in any other convenient county.

May continue its term, and remove issues to another county.

SEC. 3. So much of the act to regulate the judicial courts, and the practice thereof, passed March twelve, one thousand eight hundred and forty-five, as requires the court in bank to be held twice in each year, is hereby suspended.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

#### AN ACT

Amending the "act prescribing the times of holding the Court of Common Pleas in the First Judicial Circuit," passed February 1, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act prescribing the times of holding the court of common pleas in the first judicial circuit," passed February one, one thousand eight hundred and forty-seven, be and the same is hereby changed in this respect,

First judicial circuit.



namely: that the said court shall hereafter be holden in the county of Montgomery, on the second Tuesdays next succeeding the commencement of the several terms in Darke county, and the second term of said court in the county of Preble, shall commence on the last Tuesday of May.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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AN ACT

Fixing the times of holding the Court of Common Pleas for the county of Morrow.

Second judicial  
 circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall be held in the county of Morrow, on the thirtieth day of May and the twenty-sixth day of September; and in all other respects, the holding of said courts, and everything connected therewith, shall be governed by the act passed February sixth, one thousand eight hundred and forty-seven, fixing the times of holding the courts of common pleas of the second circuit.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

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AN ACT

To amend the act prescribing the times of holding the Courts of Common Pleas of the Third Judicial Circuit.

Third judicial  
 circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall hereafter be held in the several counties of the third judicial circuit, at the times herein prescribed, to wit: in the county of Trumbull, on the third Tuesday of February, the second Tuesday of June, and the fourth Tuesday of September; in the county of Ashtabula, on the second Tuesday in March, the first Tuesday in June, and the second Tuesday of September; in the county of Mahoning, on the first Tuesday in February, the fourth Tuesday of June, and the Wednesday succeeding the second Tues-

day in October ; in the county of Portage, on the fourth Tuesday in March, the first Tuesday of July, and the fourth Tuesday in October ; and in the county of Summit, on the second Tuesday in April, the third Tuesday of July, and the first Tuesday in November.

SEC. 2. The first section of the act to which this is an amendment, passed the fifth day of February, eighteen hundred and forty-seven, is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 5, 1848.

#### AN ACT

Prescribing the times of holding the terms of the Court of Common Pleas in the Fourth Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas shall be held in the several counties of the fourth judicial circuit, as follows : the winter term shall be held in the county of Perry, on the third Tuesday of January ; in the county of Licking, on the second Tuesday next after the day fixed for the commencement of the term in Perry ; in the county of Muskingum, on the third Tuesday next after the day fixed for the commencement of the term in Licking ; in the county of Coshocton, on the third Tuesday next after the day fixed for the commencement of the term in Muskingum. The spring term shall be held in the county of Perry, on the second Tuesday of May ; in the county of Licking, on the first Tuesday next after the day fixed for the commencement of the term in Perry ; in the county of Coshocton, on the second Tuesday next after the day fixed for the commencement of the term in Licking ; in the county of Muskingum, on the first Tuesday next after the day fixed for the commencement of the term in Coshocton. The fall term shall be held in the county of Perry, on the first Tuesday of September ; in the county of Muskingum, on the second Tuesday next after the day fixed for the commencement of the term in Perry ; in the county of Licking, on the third Tuesday next after the day fixed for the commencement of the term in Muskingum ; in the county of Coshocton, on the third Tuesday next after the day fixed for the commencement of the term in Licking.

Fourth judicial  
circuit.

namely: that the said court shall hereafter be holden in the county of Montgomery, on the second Tuesdays next succeeding the commencement of the several terms in Darke county, and the second term of said court in the county of Preble, shall commence on the last Tuesday of May.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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AN ACT

Fixing the times of holding the Court of Common Pleas for the county of Morrow.

Second judicial  
 circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall be held in the county of Morrow, on the thirtieth day of May and the twenty-sixth day of September; and in all other respects, the holding of said courts, and everything connected therewith, shall be governed by the act passed February sixth, one thousand eight hundred and forty-seven, fixing the times of holding the courts of common pleas of the second circuit.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

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AN ACT

To amend the act prescribing the times of holding the Courts of Common Pleas of the Third Judicial Circuit.

Third judicial  
 circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall hereafter be held in the several counties of the third judicial circuit, at the times herein prescribed, to wit: in the county of Trumbull, on the third Tuesday of February, the second Tuesday of June, and the fourth Tuesday of September; in the county of Ashtabula, on the second Tuesday in March, the first Tuesday in June, and the second Tuesday of September; in the county of Mahoning, on the first Tuesday in February, the fourth Tuesday of June, and the Wednesday succeeding the second Tues-



day in October ; in the county of Portage, on the fourth Tuesday in March, the first Tuesday of July, and the fourth Tuesday in October ; and in the county of Summit, on the second Tuesday in April, the third Tuesday of July, and the first Tuesday in November.

SEC. 2. The first section of the act to which this is an amendment, passed the fifth day of February, eighteen hundred and forty-seven, is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 5, 1848.

#### AN ACT

Prescribing the times of holding the terms of the Court of Common Pleas in the Fourth Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas shall be held in the several counties of the fourth judicial circuit, as follows : the winter term shall be held in the county of Perry, on the third Tuesday of January ; in the county of Licking, on the second Tuesday next after the day fixed for the commencement of the term in Perry ; in the county of Muskingum, on the third Tuesday next after the day fixed for the commencement of the term in Licking ; in the county of Coshocton, on the third Tuesday next after the day fixed for the commencement of the term in Muskingum. The spring term shall be held in the county of Perry, on the second Tuesday of May ; in the county of Licking, on the first Tuesday next after the day fixed for the commencement of the term in Perry ; in the county of Coshocton, on the second Tuesday next after the day fixed for the commencement of the term in Licking ; in the county of Muskingum, on the first Tuesday next after the day fixed for the commencement of the term in Coshocton. The fall term shall be held in the county of Perry, on the first Tuesday of September ; in the county of Muskingum, on the second Tuesday next after the day fixed for the commencement of the term in Perry ; in the county of Licking, on the third Tuesday next after the day fixed for the commencement of the term in Muskingum ; in the county of Coshocton, on the third Tuesday next after the day fixed for the commencement of the term in Licking.

SEC. 2. This act to take effect and be in force from and after the first day of May next.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,

February 8, 1848.

*Speaker of the Senate.*

# AN ACT

Fixing the times of holding the Court of Common Pleas in the Fifth Judicial Circuit.

Fifth judicial  
 circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall be held hereafter, in the several counties of the fifth judicial circuit, at the times hereinafter prescribed, viz: in the county of Columbiana, on the second Tuesday of March, the third Tuesday of June, and the third Tuesday in September; in the county of Stark, on the first Tuesday in April, the first Tuesday in August, and the fourth Tuesday in October; in the county of Tuscarawas, on the fourth Tuesday in April, the third Tuesday in August, and the third Tuesday in November; in the county of Carroll, on the second Monday in May, the first Monday in September, and the second Monday in November.

Clerk of com.  
 pleas, for want  
 of time, may is-  
 sue ven. fa., at  
 any time before  
 or during the  
 sitting of the  
 court.

SEC. 2. That the clerk of the court of common pleas in any county where there is not sufficient time to draw jurors and to issue writs of *venire facias*, as now required by law, shall, in presence of the sheriff, as is required by the fourth section of the act regulating juries, draw the jurors, and thereupon issue said writs at any time before or during the sitting of such court; and the court, when convened, may order such writ to be returned forthwith, and the sheriff of such county shall serve the same and make return thereof, agreeably to the command of the same, and such service and return shall be as valid in law as if such writ had been issued thirty days previous thereto.

Court may con-  
 tinue its term  
 for certain pur-  
 poses.

SEC. 3. That, if the court in any county shall not have finished its business before the time prescribed for holding the court in any other county in said circuit, the court may continue its term for the purpose of transacting probate and testamentary business, granting letters of guardianship, licenses for taverns and ferries, for return of process, and for such other business as the parties concerned in the same or their counsel may agree shall be heard and decided upon.

SEC. 4. That all parts of acts inconsistent herewith are here by repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,

February 18, 1848.

*Speaker of the Senate.*

## AN ACT

To fix the times of holding the Courts of Common Pleas in the Sixth Judicial Circuit.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the courts of common pleas in the sixth judicial circuit, shall be holden for each and every year hereafter, as follows:

Sixth judicial circuit.

In the county of Hocking, on the first Monday of March; in the county of Fairfield, on the first Monday thereafter; in the county of Ross, on the third Monday thereafter; in the county of Pickaway, on the third Monday thereafter.

**SUMMER TERM.**—In the county of Hocking, on the second Monday of June; in the county of Fairfield, on the first Monday thereafter; in the county of Ross, on the third Monday thereafter; in the county of Pickaway, on the third Monday thereafter.

**FALL TERM.**—In the county of Hocking, on the third Monday of September; in the county of Fairfield, on the first Monday thereafter; in the county of Ross, on the third Monday thereafter; in the county of Pickaway, on the third Monday thereafter.

**SEC. 2.** That each of the courts, when the state of its business shall require it, is authorized to continue its term beyond the time hereinbefore limited, in which event, the term to be holden in the next succeeding county, shall commence the day following the close of the business of such prolonged term.

**SEC. 3.** That all acts and parts of acts which are inconsistent with the provisions of this act, are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 21, 1848.

## AN ACT

Prescribing the times of holding the Court of Common Pleas in the Seventh Judicial Circuit.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas shall be held in the county of Warren, for the year one thousand eight hundred and forty-eight, on the second Tuesday of April.

Seventh judicial circuit.

**SEC. 2.** That so much of the "act prescribing the times of holding the court of common pleas in the seventh judicial circuit," passed January twenty-two, one thousand eight hundred

and forty-six, as provides that the court of common pleas shall be held in the county of Warren, on the first Tuesday of April, be suspended during the year one thousand eight hundred and forty-eight.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

#### AN ACT

To regulate the times of holding the Courts of Common Pleas in the Eighth Judicial Circuit.

Eighth judicial  
circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas be held in the county of Morgan, February twenty-eight, June nineteenth, and September eighteenth; in the county of Washington, March twelfth, July third, and October second; in the county of Meigs, March twenty-seventh, July seventeenth, and October sixteenth; in the county of Athens, April twenty-fourth, August fourteenth, and November sixth.

SEC. 2. All acts and parts of acts conflicting herewith are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

Prescribing the times of holding the Court of Common Pleas in the Tenth Judicial Circuit.

Tenth judicial  
circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the courts of common pleas shall hereafter be held, in the several counties of the tenth judicial circuit, at the times hereinafter prescribed, namely: In the county of Adams, on the last Tuesdays of February, the second Tuesdays of June, and the last Tuesdays of August; in the county of Highland, on the second Tuesdays of March, the third Tues-

days of June, and the second Tuesdays of September; in the county of Fayette, on the first Tuesdays of April, the first Tuesdays of July, and the last Tuesdays of September; in the county of Brown, on the second Tuesdays of April, the first Tuesdays of August, and the third Tuesdays of October; in the county of Clermont, on the first Tuesdays of May, the third Tuesdays of August, and the first Tuesdays of November.

SEC. 2. The second, third and fourth sections of the act of January twenty-two, eighteen hundred and forty-six, prescribing the times of holding the court of common pleas in the seventh judicial circuit, shall be deemed and taken as parts of this act.

SEC. 3. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 7, 1848.

#### AN ACT

Fixing the times of holding the Courts of Common Pleas in the Eleventh Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the courts of common pleas for the eleventh judicial circuit, shall hereafter be held in the several counties thereof, at the times following, to wit: In the county of Holmes, on the second Monday of February, the second Monday of May, and the first Monday of September; in the county of Wayne, on the fourth Monday of February, the third Monday of May, and the third Monday of September; in the county of Medina, on the second Monday of March, the fifth Monday of May, and the third Monday of October; in the county of Ashland, on the third Monday in March, the second Monday in June, and the first Monday of October; in the county of Richland, on the first Monday of April, the third Monday of June, and the fourth Monday in October; and in the county of Knox, on the fourth Monday of April, the second Monday of July, and the second Monday of November, annually.

SEC. 2. That the second, third and fourth sections of the act prescribing the times of holding the courts of common pleas

Eleventh judicial circuit.

in the seventh judicial circuit, passed January twenty-second, eighteen hundred and forty-six, shall be deemed and taken as a part of this act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 7, 1848.

#### AN ACT

Prescribing the times of holding the Court of Common Pleas in the Twelfth Judicial Circuit.

Twelfth judicial circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall hereafter be held in the several counties of the twelfth judicial circuit, at the times hereafter prescribed, namely: In the county of Franklin, on the second Tuesday in February, the second Tuesday of May, and the first Tuesday of September; in the county of Madison, on the second Tuesday of March, the fourth Tuesday of May, and the fourth Tuesday of September; in the county of Clark, on the third Tuesday of March, on the first Tuesday of June, and the first Tuesday of October; in the county of Champaign, on the fourth Tuesday of March, the second Tuesday of June, and the third Tuesday of October; in the county of Logan, on the second Tuesday of April, the fourth Tuesday of June, and the fourth Tuesday of October; and in the county of Union, on the fourth Tuesday of April, the second Tuesday in August, and the second Tuesday of November.

Acts continued in force.

SEC. 2. That the second, third and fourth sections of the act passed on the twenty-second day of January, one thousand eight hundred and forty-six, entitled "an act prescribing the time for holding the courts of common pleas in the seventh judicial circuit," shall be deemed and taken as a part of this act.

SEC. 3. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. This act to take effect from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

## AN ACT

To amend the "Act prescribing the times of holding the Court of Common Pleas in the Twelfth Judicial Circuit," passed February 2, 1848.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the second term of the court of common pleas for the county of Logan, for the year eighteen hundred and forty-eight, shall commence on Tuesday, June twentieth, and in the county of Union, on the fourth Tuesday of June; anything in the act to which this is an amendment to the contrary notwithstanding. Twelfth judicial circuit.

SEC. 2. That the third term of the court of common pleas in the twelfth judicial circuit, for the year eighteen hundred and forty-eight, shall commence as follows, viz: In Madison county, on the first Tuesday in September; in Champaign county, on the second Tuesday in September; in Union county, on the third Tuesday in September; in Clark county, on the fourth Tuesday in September; in the county of Logan, on the first Wednesday after the second Tuesday in October; and in the county of Franklin, on the fourth Monday in October; any thing in the act to which this is an amendment to the contrary notwithstanding.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To amend the "Act fixing the times of holding the terms of the Courts of Common Pleas in the Thirteenth Judicial Circuit," passed February 3, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the "act fixing the times of holding the courts of common pleas in the thirteenth judicial circuit," passed February 3, 1847, be and the same is hereby so amended that the time prescribed for holding the spring term of said court in Erie county, shall be held on the third Monday of February, instead of the fourth Monday, as fixed by said act. Thirteenth judicial circuit.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

Prescribing the times of holding the Court of Common Pleas in the Fourteenth Judicial Circuit, and for other purposes.

Fourteenth judicial circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the court of common pleas shall hereafter be held in the fourteenth judicial circuit, at the times hereinafter prescribed, to wit: In the county of Lorain, on the last Tuesday of January, the last Tuesday of May, and the second Tuesday of September; in the county of Cuyahoga, on the first Tuesday of March, the third Tuesday of June, the first Tuesday of October, and the first Tuesday of January; in the county of Geauga, on the first Tuesday of April, the third Tuesday of July, and on the fourth Tuesday in October; and in the county of Lake, on the third Tuesday of April, on the first Tuesday of August, and on the third Tuesday in November: *Provided*, that said January term of said court in Cuyahoga county, shall not be construed to be a term of said court for the discharge of any other than criminal, license and probate business: *And provided, further*, that reports of sales made by executors and administrators, and reports of appraisals and assignment of dower, shall not be construed to be returnable to said January term.

Law continued in force.

SEC. 2. That the provisions of the law now in force with regard to the February, May and November terms of said court in Cuyahoga county, shall be continued in force and applied to the March, June and October terms of said court, in said county of Cuyahoga, as prescribed in this act.

Number of persons selected as jurors.

SEC. 3. That, hereafter, the number of persons who shall be selected in the county of Cuyahoga, in accordance with the provisions of the law now in force, to serve as grand and petit jurors for the year next succeeding such selection, shall be one hundred and sixty-eight; and for the purpose of remedying any deficiency that might otherwise occur in the number of persons who have been so selected as aforesaid, to serve as jurors during the present year, the clerk of the court of common pleas of said county of Cuyahoga, is hereby authorized and directed to return to the ballot box the names of the persons who shall be drawn to serve as jurors at the ensuing February and May terms of the superior court of Cleveland, and at the ensuing March and June terms of the court of common pleas of said county of Cuyahoga.

SEC. 4. That so much of all laws now in force as conflicts with the provisions of this act is hereby repealed.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 2, 1848.



## AN ACT

Prescribing the times of holding the Courts of Common Pleas in the Sixteenth Judicial Circuit.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the courts of common pleas in the sixteenth judicial circuit, shall be held at the several times herein prescribed: In the county of Mercer, on the twenty-fifth (25) day of April, the fifth (5) day of July, and the eleventh (11) day of October; in the county of Auglaize, on the first (1) day of May, the twelfth (12) day of July, and the eighth (8) day of November; in the county of Allen, on the third (3) day of May, the eighteenth (18) day of July, and fourth (4) day of October; in the county of Hancock, on the ninth (9) day of May, on the twenty-fifth (25) day of July, and the twenty-first (21) day of September; in the county of Hardin, on the fifteenth (15) day of May, the thirty-first (31) day of July, and the twenty-eight (28) day of September; and in the county of Shelby on the twenty-second (22) day of May, the fourteenth (14) day of August, and the fourteenth (14) day of November: *Provided,* that if any of the above named days shall fall on Sunday, the courts shall commence on the day following.

Sixteenth judicial circuit.

**SEC. 2.** All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

## AN ACT

To create the Seventeenth Judicial Circuit.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the counties of Jackson, Pike, Gallia, Scioto and Lawrence, shall hereafter compose a judicial circuit, to be denominated the seventeenth judicial circuit of Ohio.

Seventeenth judicial circuit created.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 25, 1848.

## AN ACT

Fixing the times of holding the Courts of Common Pleas in the Seventeenth Judicial Circuit.

Seventeenth  
judicial circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall hereafter be held in the several counties of the seventeenth judicial circuit, at the times hereinafter prescribed.

Spring terms.

SEC. 2. That the spring terms of said court shall be held, in the county of Pike, on the twenty-eighth day of February; in the county of Jackson, on the thirteenth day of March; in the county of Scioto, on the twenty-seventh day of March; in the county of Lawrence, on the twenty-fourth day of April; in the county of Gallia, on the eighth day of May.

Summer terms.

SEC. 3. The summer terms of said court shall be held, in the county of Pike, on the nineteenth day of June; in the county of Jackson, on the twenty-sixth day of June; in the county of Scioto, on the third day of July; in the county of Lawrence, on the twenty-fourth day of July; in the county of Gallia, on the thirty-first day of July.

Fall terms.

SEC. 4. The fall terms of said court shall be held, in the county of Pike, on the eleventh day of September; in the county of Jackson, on the twenty-fifth day of September; in the county of Scioto, on the ninth day of October; in the county of Lawrence, on the twenty-third day of October; in the county of Gallia, on the sixth day of November.

SEC. 5. This act to take effect from and after its passage.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To create the Eighteenth Judicial Circuit of Ohio.

Eighteenth cir-  
cuit created.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the counties of Putnam, Vanwert, Paulding, Defiance, Williams and Henry, shall hereafter compose a judicial circuit, to be denominated the eighteenth judicial circuit of Ohio.

Times of hold-  
ing courts in.

SEC. 2. The court of common pleas in the several counties in said circuit, shall be holden as follows, to wit: In the county of Defiance, on the first Tuesday in April, the first Tuesday in July, and the second Tuesday in November; in the county of Williams, on the second Tuesday of April, the second Tues-

day of July, and the third Tuesday of November ; in the county of Patnam, on the third Tuesday of April, the third Tuesday of July, and the fourth Tuesday of November ; in the county of Vanwert, on the fourth Tuesday of April, and the third Tuesday of October ; in the county of Paulding, on the first Tuesday in May, and the fourth Tuesday in October ; in the county of Henry, on the second Tuesday in May, and the first Tuesday in November.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 22, 1848.

#### AN ACT

To establish the Commercial Court of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be established and held in and for the city of Cincinnati, and county of Hamilton, a court of record, which shall be styled " the Commercial Court of Cincinnati." Style.

SEC. 2. That there shall be elected by joint ballot of the General Assembly, one judge to hold the said court, who, during his term of office, shall reside in the city of Cincinnati, and who shall take the same oath, hold his office for the same time, and be removable for the same causes, as president judges of the courts of common pleas ; and in case of vacancy in the office of judge, the same shall be filled as in case of like vacancy in the office of a president judge of a court of common pleas ; the judge of the said commercial court shall receive an annual salary of one thousand dollars, payable, quarterly, at the state treasury, on the warrant of the auditor of state, which shall not be diminished during his continuance in office. Judge how elected and term of office.  
  
Salary.

SEC. 3. That the said court shall have a clerk, and such other officers for the exercise of its jurisdiction as the courts of common pleas have, who shall be appointed in the same manner, and for the same term, give like security, be held to the same accountability, and be removable for the same causes as the like officers appointed by the courts of common pleas ; the said court shall have a seal, which shall be the same as the seal of the courts of common pleas, changing the style of the court, and shall be kept by the clerk. Clerk how appointed and term.  
  
Seal.

**Where held.** SEC. 4. That the said commercial court shall be held at the court house, in the city of Cincinnati, or at such other convenient place in the said city, as the commissioners of Hamilton county shall provide.

**Jurisdiction & forms.** SEC. 5. That the said commercial court shall have concurrent original jurisdiction with the court of common pleas of Hamilton county, of all civil cases at law, founded on matter of contract, whether written or parol, expressed or implied, and of all causes in chancery, and all laws now in force, or which may hereafter be enacted, conferring jurisdiction in such cases upon the courts of common pleas, giving them power to hear and determine such cases, and to preserve order and punish contempts, regulating their practice and forms of process, prescribing the force and effect of their judgments, orders, or decrees, and authorizing or directing the execution thereof, shall be held and deemed to extend to the said commercial court as fully as they extend to the said courts of common pleas, unless the same be inconsistent with this act, or plainly inapplicable; and the said commercial court, in respect to the form and manner of all pleadings and proceedings therein, and the force and effect of its judgments, orders, or decrees, shall be deemed and held a court of general jurisdiction.

**Terms.** SEC. 6. That four terms of the said commercial court shall be held in each year, commencing the first Mondays of January, April, July and October, of each year; if the judge shall not attend on the first day of any term of said court, the court shall stand adjourned from day to day until the judge shall appear and form a court, if that shall happen before four o'clock of the fourth day; and if, from any cause, the court shall not sit on any day in a term after it shall have been opened, there shall be no discontinuance, but so soon as the cause of not sitting is removed the court may proceed to business; the said court may continue in session so long as its business shall require, and may adjourn from time to time as may be necessary for the convenient despatch of business; and it shall and may be lawful for the said court to order and direct that any case or cases pending in said court, shall be especially set for trial or hearing, on any day or days during the term, so as to avoid the unnecessary attendance of parties or witnesses, or to facilitate the business of said court, and accommodate the same to that of other courts.

**May continue its sessions.** **May set case for a special day.** **Process form, &c.** SEC. 7. The process of the said court shall have the seal affixed, and be tested, directed, served, and returned and be in form as is or may be provided for the process of the courts of common pleas, varying only in the style of the court, and to conform to its terms: Provided, that the said commercial court shall have the same power to make rules and regulations in relation to the return of process as is now vested by law in the superior court of Cincinnati.

**SEC. 8.** Juries shall be drawn and summoned for the said commercial court, in such manner, and at such time, as the said court shall determine and direct, and all laws regulating the compensation of juries, and the manner in which it is to be collected and paid, in reference to the court of common pleas of Hamilton county, shall extend and apply to the said commercial court; and the said commercial court shall have the same power to issue special venires, and to call in tales jurors, as the said court of common pleas.

Juries.

**SEC. 9.** Sheriffs, coroners, and constables, shall be bound to attend said court, preserve order, and execute and return its process, as they are required to do in the courts of common pleas, and all laws now in force, or which may be enacted, prescribing the duties of officers, allowing fees, and providing for the collection thereof, in relation to the courts of common pleas, shall be held and deemed to extend to the said commercial court, unless the same are or shall be plainly inapplicable.

Sheriff, &amp;c., to attend.

**SEC. 10.** The judge of the said commercial court, shall be a conservator of the peace in Hamilton county; and as such, and in the exercise of the jurisdiction hereby conferred, and in granting writs of habeas corpus, and all other remedial writs, shall in the recess or vacation of said court, have the same power and authority as president judges of the courts of common pleas.

Judge's power and authority.

**SEC. 11.** The supreme court shall have the same jurisdiction, to be exercised in the same manner in relation to the judgments, orders, and decrees of the said commercial court, or the judge thereof, as is or may be provided by law in relation to the judgments, orders, or decrees of the courts of common pleas, or the judges thereof; and bills of exceptions and appeals shall be granted and allowed, and writs of error, or supersedeas, or other process for the removal of causes, or the correction of errors, may be prosecuted under the same rules, regulations and restrictions, as is or may be provided by law in like cases in reference to the courts of common pleas, or their judgments, orders, or decrees.

Supreme court, jurisdiction of.

**SEC. 12.** That when any suit shall be brought in the said commercial court, and the same shall be dismissed, or judgment shall be rendered against the plaintiff, either in the said commercial court, or in the supreme court, on the ground of a want of jurisdiction, the said commercial court, or the supreme court, shall, notwithstanding, have power and authority to render a judgment for the costs which have accrued in such suit.

Suit dismissed and court may render judgment for costs.

**SEC. 13.** Whenever the judge of the superior court of Cincinnati, or the judge of the said commercial court, according to the law now in force, in relation to the judge of the superior court of Cincinnati, which shall equally apply to the judge of the said commercial court, shall be incapacitated, by interest or otherwise, to sit on the trial or hearing of any case or matter, pending in his court, notice thereof, and of the day on which

Judge of superior court or commercial court, incapacitated by interest or otherwise from sitting on any case, the judge of the other court may act in his stead.

such case or matter shall be set for trial or hearing, shall be given in writing, to the judge of the other court, and it shall be his duty to attend and preside on the trial or hearing of such case or matter, and whenever either of the said judges shall be prevented by sickness, or other cause, from holding any term or part of a term of his court, it shall be lawful for the judge of the other court, on the request in writing of the judge so unable to sit, to attend and hold the same, and in either case, the judge so sitting in place of the other shall have and possess the same power and authority for that purpose, as if he were the proper judge of the court.

Suits in chancery may be transferred from the court of common pleas or superior court of Cincinnati, to commercial court.

SEC. 14. All suits in chancery now pending, or which may be pending at the commencement of the first term of the said commercial court, in the court of common pleas of Hamilton county, or in the superior court of Cincinnati, may, by the consent of the parties or their solicitors, be entered on the journal of the court, in which such suit is or may be pending, be transferred to the said commercial court for further proceedings, in which case, the original papers, together with a transcript of all the entries in the cause, and a statement of the costs which have accrued in the cause, shall be certified to that court by the clerk of the court from which they came; and any costs contained in such statement, to which such clerk may be entitled, shall be accounted for to him when the same shall be collected or paid, but his fees for making such transcript and statement, shall be paid by the party or parties demanding the same, and the amount thereof shall be taxed as part of the costs of the cause. And all suits in chancery, which shall be so transferred, shall be acted on and proceeded in, as if the same had been originally commenced in the said commercial court, and all orders therein made by the court from which they were transferred, shall have the same force and effect as if made in such commercial court.

Clerk, compensation & duties.

SEC. 15. That the clerk of the said commercial court of Cincinnati, shall receive the same compensation, to be paid in the same manner, and be required to perform the same duties, be entitled to the same allowances, and be subject to the same accountabilities and liabilities as is or may be provided in relation to the clerk of the superior court of Cincinnati.

Special term.

SEC. 16. This act shall take effect and be in force from and after its passage; and the judge of the said commercial court is hereby empowered to hold a special term, for the purpose of organizing the same, as soon after receiving the commission as he may deem expedient.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 4, 1848.



## AN ACT

To establish a Superior Court in the city of Cleveland.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby established in the city of Cleveland, in Cuyahoga county, a court of record, to be known by the name of "the Superior Court of Cleveland," to consist of one judge, who shall reside in said county of Cuyahoga, be appointed in the same manner, take the same oath, hold his office for the same term, and be removed for the same causes, as president judges of the court of common pleas; and in case of a vacancy in said office of judge, the same shall be filled as in cases of vacancy in the office of president of the courts of common pleas.

How the judge  
appointed, his  
powers, &c.

SEC. 2. That said court shall have a seal, a clerk, and such other officers for the exercise of its jurisdiction, as the courts of common pleas have; the said officers shall be appointed by the court in the same manner, serve the same time, give like security, be held to the same accountability, and be removable for the same causes as like officers appointed by the courts of common pleas.

How officers  
appointed, &c.

SEC. 3. That said court shall be holden, and the office of clerk thereof kept, in some central place in said city of Cleveland, to be provided by the commissioners of Cuyahoga county; and there shall be four terms of said court held in each year, commencing the first on the first Monday of February, the second on the first Monday of May, the third on the first Monday of August, and the fourth on the first Monday of November; and by special adjournment such other terms may be held as by the court may be deemed necessary for the despatch of business.

Where and  
when court to  
be held.

SEC. 4. That said court shall have concurrent jurisdiction with the court of common pleas in Cuyahoga county, of all civil cases at common law, and in chancery, wherein that court has original jurisdiction; and in order to confer upon said superior court the same power and authority, for the complete exercise of its jurisdiction, as is or may be conferred on the courts of common pleas, in the exercise of like jurisdiction it is declared that all the laws now in force, or which may be hereafter enacted, conferring jurisdiction in such cases upon the courts of common pleas, giving them power to hear and determine such cases, appoint or remove their officers, punish contempts, regulating their practice and forms of process, prescribing the duties of their officers, and those of sheriffs and coroners, allowing fees to such officers, and providing for the collection thereof, or requiring of such officers official oaths and bonds, shall be held to extend to said superior court and its officers, as fully as they extend to said courts of common pleas and their officers. And the judge, herein provided for, shall be

Jurisdiction.

a conservator of the peace in said Cuyahoga county, and as such, and in the exercise of the jurisdiction hereby conferred, shall, in the recess of said superior court and during the sessions thereof, have the same power and authority as president judges of the courts of common pleas.

**Appeal.**

SEC. 5. That the supreme court shall have appellate jurisdiction from said superior court, and causes may be removed from said superior court to the supreme court by appeal, writ of error, or other process, and remanded back and proceeded in, in the way provided by law now in force, or which may be hereafter enacted, for the exercise by the supreme court of like appellate or supervisory jurisdiction over the courts of common pleas, or the judges thereof, or over the judgments or decrees of the last named courts.

**Process.**

SEC. 6. That the process of said superior court shall have the seal thereof affixed, and shall be tested, directed, served, returned, and be in form as is or may be provided for the process of the courts of common pleas, varying only in the style of the court, and to conform to its terms.

**Jurors.**

SEC. 7. That a jury of twelve men for said superior court, shall be drawn by the sheriff and the clerk of the court of common pleas of Cuyahoga county, before each regular term of said superior court, in the manner jurors are drawn for the court of common pleas; and said clerk of the court of common pleas, when said jurors are drawn, shall certify the names to the clerk of said superior court, who shall immediately issue a venire therefor; and said superior court shall have the same power to issue special venires, and to call in tales jurors, as the courts of common pleas.

**Salary of judge.**

SEC. 8. The salary of the judge hereby provided for, shall be one thousand dollars a year, payable quarterly, at the state treasury, which shall not be diminished during his continuance in office.

**Seal.**

SEC. 9. That the seal of the court hereby created, shall be provided in the same manner and shall be the same as the seal of the court of common pleas, the style of the court being changed, and shall be kept by the clerk.

**Sheriff, &c.,  
bound to attend.**

SEC. 10. That sheriffs, coroners and constables, shall be bound to attend said superior court, preserve order, and execute and return its process, as they are required to do in courts of common pleas.

**Judgments and  
decrees.**

SEC. 11. That the judgments and decrees of said superior court, shall be liens upon the property of the judgment debtor, in the manner and to the extent that judgments and decrees are in the courts of common pleas; and the laws now in force, or which may hereafter be enacted, regulating judgments and executions, shall be considered as extending to said superior court to the same extent as they extend to the courts of common pleas.



SEC. 12. That the parties to any suit at common law, or in chancery, originally commenced in the court of common pleas of said Cuyahoga county, and still pending therein, may by written consent, signed by themselves or their attorneys, remove the same to said superior court. The clerk of the court of common pleas of said county, upon such application to remove, shall make out a statement, under seal, of the docket entries in such case, with a statement of his costs, and deliver the same, with all the original papers in the cause, to the parties or their attorneys, taking their receipt for the same ; and upon the delivery of such papers, with the written consent to remove, with the clerk of said superior court, he shall forthwith docket the cause, and the same shall thenceforth be considered as in said court and be proceeded in as if the same had originally commenced in said superior court, having regard to the former proceedings, the agreement to remove, and the costs before accrued, in the final record, as may be right and proper ; and when such cause is removed from the common pleas, as aforesaid, the clerk shall enter such removal on his docket, and from thenceforth such cause shall not be considered as in said court of common pleas.

Suits may be removed from court of com'n pleas and superior court.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

December 21, 1847.

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#### AN ACT

To repeal an act entitled "An act to authorize the holding of Special Terms of the Court of Common Pleas within and for the county of Scioto, for criminal and other business."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to authorize the holding of special terms of the court of common pleas within and for the county of Scioto, for criminal and other business," passed March 5, 1842, be and the same is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 28, 1848.

## AN ACT

In relation to the terms of the Judicial Courts.

Supreme court  
may continue  
its term and  
hear issues in  
any other co.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the supreme court is authorized, when the business shall so require, to continue its term in any county beyond the time allowed to said county ; and if, from any cause, it shall so happen that said court shall fail to be held in any county, the court may, with the consent of parties, hear and determine in any of the issues in such county, in any other convenient county ; and said court shall have the same power, when there shall not be time in any county to dispose of the business of such county, to hear and determine with the consent of parties, any business thus undisposed of in any other convenient county.

Court of com'n  
pleas may con-  
tinue their term  
for certain pur-  
poses.

SEC. 2. If the court of common pleas in any county, shall not have finished its business before the time prescribed for holding the court in any other county of said circuit, the court may continue its term for the purposes of transacting probate and testamentary business, granting letters of guardianship, and for return of process ; and the court may also continue its session beyond the period fixed for the commencement of the court in the next county of the circuit, for the purpose of finishing the trial of any cause, or receiving a verdict, or pronouncing judgment in any cause, the trial of which may have been commenced during the term.

Writs, &c., for  
want of time  
may be return-  
ed during the  
sitting of the  
court.

SEC. 3. In all cases where writs of execution, or orders of sale in chancery, are in the hands of any sheriff or other officer, at the time of the passage of any law prescribing the times of holding courts, and there is not sufficient time to return said writs by the second day of the term of any court as prescribed by such law, the said sheriff, or other officer, may return said writs at any time during the sitting of said court ; and all sales and other proceedings, had under and by virtue of said writs, shall have the same form and validity, as if said sales had been made ; and said writs returned by the second day of said court, and where there is not sufficient time to draw jurors, and to issue writs of *venire facias*, as is now required by law, the clerk of the court of common pleas shall, in the presence of the sheriff, as is required by the fourth section of the act regulating juries, draw the jurors, and thereupon issue said writs at any time before the sitting of such court ; and the court, when convened, may order such writs to be returned forthwith, and the sheriff of such county shall serve the same, and make the return thereof, agreeably to the command of the same ; and

such service and return shall be as valid in law as if such writ had been issued thirty days previous thereto.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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AN ACT

Making an appropriation for purposes therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That a sum not exceeding fifteen thousand dollars, be and the same is hereby appropriated for the payment of the members of the General Assembly, their clerks, assistant clerks, sergeants-at-arms, door-keepers and messengers, to be paid out of any money in the treasury not otherwise appropriated. 15,000 dollars appropriated.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate*

December 21, 1847.

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AN ACT

To extend the provisions of the "act relative to incorporations for manufacturing and other purposes," to Telegraph Companies.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* At any time, when five or more persons shall be desirous of forming a company for the purpose of constructing a line or lines of electric telegraph, they may become a body corporate by pursuing the course prescribed in the act relative to incorporations for manufacturing and other purposes, passed February ninth, eighteen hundred and forty-six. Five or more persons may be incorporated.

SEC. 2. Such company, when formed in the manner prescribed in said act, shall possess all the rights and privileges, and be subject to all the duties and liabilities which do or may What rights & privileges they may possess.

appertain to corporations organized, or which may be organized under the said act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 5, 1848.

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AN ACT

To require Supervisors of Roads to make temporary repairs to Bridges over the Canals of this State.

Authority defined.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the supervisors of roads, through whose district any part of the canals made by the State of Ohio passes, shall, from time to time, make such necessary and temporary repairs to bridges over said canals as they may require, and they are hereby authorized to commute a portion of the labor of their respective districts for materials necessary to make such repairs: Provided, that said bridge or bridges be on some public highway, and that such supervisors shall not apply more than ten days labor for said repair in any one year.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

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AN ACT

To amend the act entitled "An act for the protection of Railroads," passed March 20, 1840.

Former act extended.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of the second, third and fourth sections of the act passed March twenty, eighteen hundred and forty, entitled "an act for the protection of railroads," be and they are hereby so extended as to apply as well to railroads owned by a single individual, or by a company or asso-

ciation of individuals, as to railroads owned by an incorporated company.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

#### AN ACT

To amend an act entitled "An act to provide for the proof and acknowledgement and recording of deeds and other instruments of writing," passed February 22, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That every acknowledgement of the execution of any deed, mortgage or power of attorney, to sell or convey lands situate in this State, or of any other instrument in writing required by the laws of this State, to be acknowledged, made or taken before any consul of the United States resident in any foreign port or country, and certified by such consul, shall be as valid and effectual as if taken before any judge or justice of the peace of this State.

Making valid  
acknowledgement  
before  
consuls in foreign  
places.

SEC. 2. This act shall take effect from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

#### AN ACT

To amend Section 105, of the Practice Act, passed March 8, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if either the plaintiff or defendant shall have died after final judgment, and before satisfaction thereof, it shall and may be lawful for the plaintiff, or if he shall have died, then for his real or personal representative, as the case may require, to cause the defendant, or if he shall have died, that his representative, real or personal, as the case may require, to be made party to said judgment by writ or writs of scire facias, to be issued, served and returned in the same manner that a summons may be issued, served and returned by law; (but in case personal service cannot be made on the defendant,

Real or personal  
representative  
of decedents  
may be made  
parties after final  
judgments.

or upon his legal or personal representative, then it shall be lawful for the plaintiff, or his real or personal representative, to cause service to be made in the same manner as is pointed out in section 103, in said act;) and such judgment may be rendered, and execution awarded, in the premises, as might or ought to be given or awarded against the representatives, real or personal, of the deceased party in other cases.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

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AN ACT

To secure the Returns of the Statistics of Common Schools.

Matters to be  
 recorded by  
 teachers.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of every teacher, hereafter employed to teach a common district school, to enter in a book, to be provided by the district clerk, the names of all the children attending school, their ages, the date when they commenced, the length of time they continue, and keep a table showing the daily attendance; which book shall at all times be open to the inspection of all persons interested, and be delivered over by the teacher to the district clerk, at the expiration of the term of the school.

Duty of teachers and district clerks, under act of March 16, 1839.

SEC. 2. It shall be the duty of the teacher to conform to the provisions of the seventh section of the amendatory act to the law for the regulation of common schools, passed March 16, 1839; and it shall be hereafter the duty of the district clerk, before proceeding under the provisions of said section, to ascertain the proportion to be paid by those sending to school, to exclude from the calculation and apportionment the attendance of those scholars whose admittance into the district schools is secured by the proviso to said section.

Teach'rs to present abstracts to treasurers.

SEC. 3. It shall be the duty of the teacher, on presenting to the township treasurer an order for the payment of services as such, to accompany the same with an abstract of said record, for the period of services covered by said order, showing the whole number of pupils enrolled, and the average daily attendance, distinguishing the number of males and females; and, also, the further statement of the amount of wages to be paid to such teacher, for the period aforesaid, from other sources than public funds.

**SEC. 4.** It shall not be lawful for any township treasurer to pay and redeem any order to a teacher, unless the same shall be accompanied by the abstract and statement in the foregoing section required; and which every such treasurer shall carefully return to the auditor of his county, at the time of making his annual settlement, as hereinafter required; and without the return of which, it shall not be lawful for the county auditor to give credit to the township treasurer for such unlawfully redeemed order.

Township treasurers forbidden making orders without an abstract.

**SEC. 5.** The township treasurer shall, annually, between the first and twentieth of November, settle with the county auditor, and account to him for all the moneys received for school purposes, and shall furnish him with a statement, in writing, showing the several amounts received, from whom, and on what account, and the amount paid for each district. The auditor shall examine the vouchers for such payments, with the certificates of teachers, and their abstracts and statements, and, as far as he is satisfied with the correctness thereof, shall certify the same; which certificate shall be, prima facie, a discharge of such treasurer; and, at the expiration of his term of service, said treasurer shall deliver over to his successor in office, all books, papers, records and other documents belonging to said office, with all moneys and property of every description in his hands belonging to said township, or any district therein, including teachers' certificates, abstracts and statements, where any order or orders may have been redeemed by him subsequent to his last annual settlement with the county auditor, and take the receipt of his successor therefor, and deposit the same with the township clerk within ten days thereafter.

Duties of township treasurers and auditors.

**SEC. 6.** No township treasurer shall receive from his predecessor in office, any redeemed order for the services of a teacher, unless the same shall be accompanied by the certificates, abstracts and statements of teachers by this act required; and, in such respects, the county auditor shall hold him to the same accountability required in respect to orders by him redeemed after his accession to office.

No order to be received unless foregoing provisions complied with.

**SEC. 7.** Every township treasurer, for making the annual settlement aforesaid, shall be entitled to the sum of one dollar, to be paid out of the county treasury, on the order of the county auditor; and for failing to make such annual settlement within the time prescribed by this act he shall pay a fine of ten dollars, to be recovered by action and of debt in the name of the state of Ohio, for the use of the common schools in the township where such treasurer may reside; and it is hereby made the duty of the county auditor to proceed forthwith by suit against such treasurer, before any justice of the peace of his county, for the penalty aforesaid, in case such settlement is not made as aforesaid: Provided, that it shall be lawful for the justice to discharge any such treasurer, where it shall appear that sickness or unavoidable absence from home prevented his

Pay for services.



attendance to make settlement, and on such treasurer actually making settlement.

Duty of county  
auditors.

SEC. 8. It shall be the duty of the several county auditors, carefully to examine the abstracts and statements of teachers by this act required to be returned to them; and, in their annual reports to the secretary of state, to give such a tabular statement thereof, as the said secretary may require.

— of secretary  
of state.

SEC. 9. The secretary of state, as soon after the passage hereof as he conveniently can, shall cause an edition thereof, together with such forms and instructions as he may prescribe, to be printed, sufficiently large to furnish a copy thereof to each county auditor, township treasurer and school district clerk in the State.

SEC. 10. County auditors shall not extend the provisions of this act to orders paid and redeemed by township treasurers, before the same shall take effect.

Special provis'n  
for incorporat'd  
towns, &c.

SEC. 11. The thirty-fifth section of the act passed March seventh, one thousand eight hundred and thirty-eight, "for the support and better regulation of common schools," is hereby repealed; and the school directors of incorporated towns, cities and boroughs, shall elect one of their number for clerk, as in other cases; and such clerk shall perform all the duties by the school laws imposed upon the clerks of such incorporated bodies: Provided, that the provisions of this section shall not be extended to such incorporated towns, cities and boroughs as have vested in the corporate authorities or special board of school trustees or directors by special law, the management and direction of common schools.

Not more than  
one mill on the  
dollar for  
schools.

SEC. 12. County commissioners shall not levy for school purposes, more than one mill on the dollar of the grand list; and section twenty-one of the act passed February eighth, one thousand eight hundred and forty-seven, entitled "an act to amend the act for levying taxes on all property in this State according to its true value," is hereby repealed.

SEC. 13. All acts and parts of acts contrary to the provisions hereof, are hereby repealed; and this act shall be in force from [and] after the first of July next.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 21, 1848.



## AN ACT

To provide for the assessment of personal property, and the valuation of new entries and new structures.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio*, That the assessment of all personal property, moneys and credits, and the valuation of all lands and lots and new structures, which have not previously been valued and placed on the duplicate, shall be made between the fifteenth day of February and the first Monday of April, annually.

Time when to be valued.

**SEC. 2.** Each assessor shall, before the twentieth day of March, annually, leave with each person required to list property for taxation in his township or ward, the notice and blank form required in the thirtieth section of the "act for levying taxes on all property in this State according to its true value," passed March second, one thousand eight hundred and forty-six, and the assessor shall, at the time he calls to leave such notice and blank form, receive from such person the statement of his or her personal property, moneys and credits, under oath or affirmation, unless such person shall require further time to make out such statement, in which case he shall call for such statement before the first Monday of April.

Assessors to leave notices & blanks.

**SEC. 3.** Assessors shall return the list of persons and property subject to taxation, as required in the eleventh section of the act passed February eighth, one thousand eight hundred and forty-seven, to amend the act for levying taxes on all property in this State according to its true value, on or before the first Monday of April, annually.

When lists to be returned.

**SEC. 4.** County auditors shall, before the fifteenth day of February, annually, make out the blank forms and instructions for the township assessors, and forward them to the township clerks, as required by the fifteenth section of the act to create the office of township assessor, passed March twenty, one thousand eight hundred and forty-one.

When blank forms to be made out.

**SEC. 5.** If there shall be at any time, or from any cause, a vacancy in the office of assessor, or if the assessor of any township or ward shall not have proceeded to the discharge of the duties of his office before the tenth day of March, in each year, the county auditor shall, forthwith, appoint one or more suitable persons, residents of the county, to discharge the duties of assessor, in such township or ward, as required in the fourteenth section of the act to create the office of township assessor.

Auditors to fill vacancies.

**SEC. 6.** That the county commissioners shall, at their annual meeting in March, determine the amount of tax to be levied for that year, for road purposes; and any other officers or authorities, authorized by law to assess a tax for road purposes, shall, also, determine annually, the amount thereof, at any of their meetings previous to the first Monday of April, in each year, and make return thereof to the county auditor, on or before the tenth day of April. The auditor of each county shall

When amount of road tax to be determined, &c.

assess the same upon the duplicate of property for the current year, anything in any law to the contrary notwithstanding, and shall, also, on or before the tenth day of May next, after the determination of the amount of such tax or taxes, by the authorities aforesaid, make out and transmit to the township clerks of his county, lists of such road taxes.

SEC. 7. The auditors of counties and assessors of townships and wards shall, in all respects, except as herein before provided, be governed by the rules and regulations contained in the several acts prescribing their duties.

SEC. 8. This act shall take effect from and after its passage, and all acts and parts of acts inconsistent with this act are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 22, 1848.

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AN ACT

To provide for the service of process in local actions.

Process may issue in any co. where defendant may reside.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all civil actions in any court of record, which can only be brought within some particular county, if the defendant or defendants shall reside in any other county than the county in which such action is authorized to be brought, any process necessary for the commencement or prosecution of such suit, against such defendant or defendants, may issue to any county where any such defendant or defendants may reside, which process shall be served and returned, as is provided for in other cases where process is authorized to be issued to another county.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

## AN ACT

To amend the "Act to provide for laying out and opening Township Roads."

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That when the dividing line between two townships crosses a route where a township road is proposed to be laid out, the person or persons intending to apply for said road shall notify the trustees of both townships of his or their intention; and, on receiving such notice, the trustees of the two townships in which the proposed road lies, shall appoint some time and place at which they will meet in joint board, and the time fixed for said meeting shall be so arranged, that the applicant will have ample time to give the requisite thirty days notice, as required in the act to which this is an amendment; which notice shall be given in both townships, and shall state the time and place of meeting of the joint board of trustees, as provided in this act.

Where proposed route of township road lies in two townships, trustees may act conjointly.

**SEC. 2.** That the joint board of trustees, when so met, shall be governed by the provisions of the act to which this is an amendment; and if they shall grant a view and survey, they shall appoint a time and place when and where they shall meet to receive the report of the viewers and surveyor; and the proceedings at such meetings shall be recorded in both townships, and, in case of an appeal, the appellant shall be governed in all respects by the provisions of the act to which this is an amendment, except that he shall be required to enter into bond in both townships in which a part of the road is located.

Joint board shall be governed by the provisions of the act to which this is an amendment, &c.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

## AN ACT

To repeal a part of the act regulating the sale of intoxicating liquors, and to revive and continue in force a certain repealed act.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That so much of the act passed February eight, eighteen hundred and forty-seven, regulating the sale of intoxicating liquors, as submits the right to grant licenses for the sale of intoxicating liquors, to be determined by vote of the qualified electors in each township in the counties to which the above

Acts repealed.

act is extended, and in which the same is now enforced, be and the same is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

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AN ACT

Authorizing the numbering of lots in any city, town or borough in this State, to be revised.

Who shall revise and renumber lots.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That where the lots of any city, town or borough in this State are not numbered consecutively upon the original plat thereof, and the plats of addition or subdivision thereto, it shall be lawful for the auditor and recorder of the county in which such city, town or borough may be situate, in conjunction with some person to be appointed by the corporate authority of such city, town or borough, to make a revision of the numbers of all the inlots and outlots of such city, town or borough, as the same stand upon record; and to number anew all the said lots, so that the inlots of such city, town or borough shall have but one single consecutive series of numbers, beginning with number one; and the outlots shall have but one similar series of numbers, also beginning with number one.

Schedule of in and outlots to be made.

SEC. 2. That the said auditor and recorder, with their associate, to be appointed as aforesaid, shall make a schedule of all the inlots of any such city, town or borough, beginning with the original plat thereof, setting down the lots in the same, in the order of their numbers, and placing opposite thereto the new numbers, which shall be appropriated to the respective lots, following in the same manner with the plats of addition and subdivision, according to their priority in dates of record, so that the first column shall contain the old numbers of said inlots in their consecutive order, and the second column shall exhibit opposite to the said numbers, respectively, the new numbers appropriated to each of said lots. And, in the same manner, they shall make a schedule of the outlots of any such city, town or borough. Such schedules shall accurately and distinctly indicate the plat in which such inlot or outlot originally stands upon record; and it shall be the duty of the auditor and recorder to place said schedules on record in their respective offices.

**SEC. 3.** That whenever the revision and renumbering of the lots in any such city, town or borough shall have been made, and the schedule thereof recorded, as provided for in the preceding section, the said lots shall be assessed and entered upon the duplicate for taxation, according to their new numbers ; and in all the operations of the assessment and collection of taxes, they shall be lawfully known and designated by the new numbers given to them under the authority of this act ; and all conveyances of the same may be made by the said new numbers, and shall be sufficient to pass the same, in the same manner that such lots might be conveyed when described by their old numbers.

Shall be assessed and legally known by their new numbers.

**SEC. 4.** When such revision and renumbering shall be done at the request of the corporate authority of any such city, town or borough, the expenses thereof shall be paid by such city, town or borough. The county commissioners, however, of any county in which any unincorporated town or borough may be situate, shall have authority to direct the auditor and recorder to make such revision and renumbering of such unincorporated town or borough, and cause the expenses thereof to be paid out of the county treasury. They may also direct the auditor and recorder to make such revision and renumbering of an incorporated town or borough, at the expense of the county, where the same shall be neglected by the corporate authority of any such town or borough, should the commissioners be of opinion that such revision and renumbering are necessary for convenience and efficiency in taxation.

Who shall pay expenses.

**SEC. 5.** That after the revision aforesaid shall have been made and recorded, as hereinbefore provided, every person who shall lay off lots as an addition to any such city, town or borough, or who shall make a subdivision to [of] any lots therein, shall number the lots so divided upon his plat in regular consecutive numbers, commencing with the next number after the highest number of inlots or outlots, as the case may be, and shall be on record as forming a part of any such city, town or borough, the number of the lots in which have been so revised as aforesaid, unless he shall find, upon careful examination thereof, that the numbers of the lots thereon are in regular continuation from the last number of lots already on record.

How additions or subdivisions are to be numbered.

**SEC. 6.** The auditor, recorder, and their associate, shall each receive the sum of two dollars per day for their services under this act.

Compensation for services.

**SEC. 7.** That this shall take effect and be in force on and after the first day of April next.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

## AN ACT

To repeal certain parts of the act remaining in force entitled "An act to reduce the compensation of members of the General Assembly and certain other State and county officers and for other purposes," passed January 27, 1844, and other acts relating thereto.

Acts repealed.

Acts revived.

Judges and certain state officers not to be affected.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the part now remaining in force except the forty-second section of the act entitled an act to reduce the compensation of members of the General Assembly and certain other State and county officers and for other purposes, passed January twenty-seven, eighteen hundred and forty-four, and the act repealing portions of the same, passed January twenty-nine, eighteen hundred and forty-seven, are hereby repealed; and all laws and parts of laws repealed by the passage of said acts, be and the same are hereby revived: Provided, that nothing herein contained shall change the provisions of an act providing compensation for certain State officers, passed March two, eighteen hundred and forty-six: Provided, further, that nothing herein contained shall be so construed as to increase the compensation now allowed by law to the judges of any of the courts of this State.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 7, 1848.

## AN ACT

To amend the act entitled "An act granting Licenses to Peddlers and repealing former laws," passed February 28, 1846.

Clerks of com'n pleas to grant licenses.

Amount to be paid.

Clerk's fee.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it is hereby made the duty of the clerks of the court of common pleas, in the several counties in this State, to grant licenses to peddlers, as hereinafter provided.

SEC. 2. Any person shall have a license to peddle in this State who shall have paid to the treasurer of the same county, twelve dollars, if the applicant intend to travel on foot; if on horseback, or in a one horse wagon or other vehicle, twenty dollars; if in a two horse wagon or other vehicle, twenty-eight dollars; and if in a boat or other water craft, sixty dollars, for the use of the state common school fund; and file with the clerk of the court of common pleas of the same county, a written application for such license, with the receipt of the treasurer for the amount of money paid as aforesaid; and shall, also, pay to the clerk, as his fee for granting the license, fifty cents.

**SEC. 3.** Any person or persons, upon complying with the provisions of the second section of this act, shall be entitled to a license to peddle throughout this State, from the clerk, to whom application is made, under the seal of his court; which license shall authorize the person to whom and in whose name it is granted, to vend and sell goods, wares and merchandise, for one year from the date of the receipt of the treasurer, throughout this State, as a peddler or traveling merchant: **Provided,** that nothing in this act shall be so construed as to prevent any person from taking out a license to peddle for the term of three or six months, and paying for the same proportionably in accordance with the provisions of the second section of this act.

Rights granted by.

Limited to one year.

**SEC. 4.** A license to peddle shall not authorize the person named therein to sell goods, wares or merchandise at auction, vendue or public outcry, nor to sell goods in any way by the agency of any other person.

Will not authorize the person named to sell by auction.

**SEC. 5.** If any person shall vend or sell in this State, as a peddler or a traveling merchant, any goods, wares or merchandise, except such goods, wares and merchandise, as are manufactured within this State by himself or employer, without having first obtained a peddler's license so to do, he shall forfeit and pay, for every such offence, the sum of fifty dollars, to be recovered by an action of debt before any justice of the peace of any county where the offender may be found, and paid into the treasury of the township in which the judgment may be rendered, for the use of the township school fund; and justices and constables, in the issue and service of process in suits to recover such penalty, shall have the same powers and duties, and be subject to the same limitations as in criminal cases. In all prosecutions had under the provisions of this act, the informer shall be entitled to receive ten per cent. of all fines collected.

Penalty for peddling without license.

Informer to receive ten per cent. of fines collected.

**SEC. 6.** If any peddler or traveling merchant shall, on demand, refuse or neglect to show his license to any person to whom he may offer to sell any goods or merchandise, such refusal or neglect shall be taken as conclusive evidence that he has violated the provisions of the second and fifth sections of this act.

Penalty for refusing to show license.

**SEC. 7.** That so much of the act entitled "an act granting licenses to peddlers, and repealing former laws," passed February twenty-eighth, one thousand eight hundred and forty-six, to which this is an amendment, as is inconsistent with the provisions of this act be and the same is hereby repealed: **Provided,** that all suits now pending, and forfeitures incurred under said act, shall not in any way be affected or made void hereby; and all licenses heretofore granted to peddlers, shall have the same effect as if this act had not passed.

Acts repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 7, 1848.



## AN ACT

To enable the inhabitants of the Connecticut Western Reserve to give their consent to the sale of their School Lands.

When and how  
the vote shall  
be taken, and  
where return'd.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the qualified electors, being inhabitants of that part of the State commonly called the Connecticut Western Reserve, may give their consent or dissent to the sale of the lands granted by Congress, June nineteenth, eighteen hundred and thirty-four, for the use of schools within and for said Reserve, on the second Tuesday of October next, at the time and place when and where they shall assemble to elect State and county officers, by virtue of an act entitled an act to regulate elections; and it shall be the duty of each of the sheriffs of the several counties in said Reserve, at the time he gives public notice, by proclamation, throughout his county, of the time of holding such next election, to insert in each and every proclamation, a clause informing the electors aforesaid that they will be called upon by the judges of such election to give their consent or dissent to the sale of the school lands belonging to said Western Reserve; and the clerks of the elections, for the purpose of recording the votes for or against the sale of such school lands, shall make out two poll books, in each of which they shall rule three columns; in the first of which columns the names of the electors shall be written; in the second, the word "sale;" and the third, the words "no sale," as the case may be; and the judges of the election, at the time they receive the ballot from each elector, shall inquire of him whether he consents to the sale of the lands hereinbefore mentioned or not, and if such elector declare his consent, the clerks of the election shall write down his name and the word "sale," in the proper columns; but if the elector declare his dissent, the clerks of the election shall write his name, and the words "no sale," in the columns ruled for such purpose; and the number of the votes so given for and against the sale shall be enumerated by the judges and clerks of the election, and so certified in said poll books, one of which poll books shall be deposited in the office of the clerk of the township, there to be preserved, and the other shall be sealed by the judges of the election, and indorsed, and directed to the clerk of the court of common pleas of the proper county, and delivered to that judge of the election who shall be selected to return the poll book of said general election, and conveyed by him to the clerk of such county at his office, at the same time the poll book of the general election is conveyed and delivered to such clerk.

Abstract to be  
made and for-  
warded to sec'y  
of state and  
speaker of se-  
nate.

SEC. 2. That the same persons who shall open the returns of said general election shall, at the same time and place, open the poll books hereinbefore mentioned, and make an abstract of the votes given as aforesaid, for and against the sale of such school lands, in the several townships in their county, and cer-



tify the whole number of votes so given in said county ; which certificate, with the poll books, shall be preserved by the clerk of the court of common pleas in his office, one copy of which certificate shall be made out by such clerk, sealed up, and forthwith forwarded to the secretary of state, by mail, and another copy thereof indorsed and directed to the speaker of the senate, which shall be delivered by said clerk to a member of the General Assembly, to the end that the same may be conveyed to the speaker of the senate at the seat of government.

SEC. 3. That the secretary of state shall, within five days after the commencement of the next session of the General Assembly, deliver said certificates to the speaker of the senate ; and the certificates received shall, by the speaker of the senate, be opened in the presence of the senate, and the votes therein contained be counted ; and if it shall appear that there were more votes given for than against a sale of the lands granted by Congress for the use of schools, as aforesaid, the consent of the inhabitants of said Connecticut Western Reserve, to such sale, is hereby declared to be given.

Returns to be opened by the speaker and counted in presence of the senate.

SEC. 4. That in case the consent of the inhabitants of the said Western Reserve to such sale shall be ascertained and declared to be given as aforesaid, then, and in that case, provision shall be made by law for the appointment of three persons, resident in said Western Reserve, to appraise the same, affixing a fair cash value to each and every lot ; who shall make an accurate map or maps of said lands, noting thereon or attaching thereto, in a legible manner, the several value of each lot according to their said appraisement ; one copy thereof shall be by them deposited in the office of the secretary of state, and one copy in the office of the clerk of the court of common pleas in each county in said Reserve, with such other or additional provisions touching such appraisement, as the General Assembly may deem expedient to prescribe ; and said lands shall not be permitted to be sold for a less sum than the appraised value thereof, in any future enactments defining the time and mode of selling the same.

Appraisement be made, &c.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

AN ACT

To authorize the Township Trustees of any township in this State to make alterations in Township Roads.

Trustees may alter or change the direction of township roads.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any township in this State, be and they are hereby authorized, upon petition for that purpose, to alter or change the direction of any township road in their respective townships, in such manner as shall be reasonable, and as the public convenience may require.

SEC. 2. That, upon application as aforesaid, for any alteration or change in any township road, the same proceedings shall be had, by and before such trustees, in all respects as are now required by the laws of this State in the laying out and establishing of any such township roads.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

AN ACT

Regulating Railroad Companies.

Who may be a body corporate, and their privileges.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any number of persons, not less than five, shall be named as corporators in any act of the General Assembly, and authorized to construct a railroad, they and their associates, successors and assigns, by the name and style provided in said act, shall thereafter be deemed a body corporate with succession, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure all such real and personal estate as may be necessary and convenient to carry into effect the objects of the incorporation, to make and use a common seal, and the same to alter, break and renew at pleasure, and do all needful acts to carry into effect the object for which it was created; and such company shall possess all the powers, and be subject to all the rules and restrictions provided by this act, except so far as may be modified by the special act incorporating the same.

Authority of corporation.

SEC. 2. Said corporation shall be authorized to construct and maintain a railroad, with a single or double track, with such side tracks, turn outs, offices and depots as they may deem necessary, between the points named in the special act incorpora-

ting the same, commencing at or within, and extending to or into any town, city or village named as the place of beginning, or terminus of such road, and construct branches from the main line to other towns or places within the limits of any county through which said road may pass.

SEC. 3. The capital stock of such company, shall be divided into shares of fifty dollars each, and consist of such sum as may be provided in the special act incorporating the same, such shares shall be regarded as personal property, and shall be subject to execution at law. **Capital stock.**

SEC. 4. An installment of five dollars on each share of stock shall be payable at the time of making the subscription, and the residue thereof shall be paid in such installments, and at such times and places, and to such person as may be required by the directors of said company. **Payments.**

SEC. 5. If any installment of stock shall remain unpaid for sixty days after the time it may be required, whether such stock is held by an assignee, transferee, or the original subscriber, the same may be collected by an action of debt, with a penalty of five per centum thereon, or the directors may sell the stock so unpaid at public auction for the installment, interest and penalty then due thereon, first giving thirty days' public notice of the time and place of sale, in some newspaper in general circulation in the county where such delinquent stockholder resided at the time of making such subscription, or becoming such assignee or transferee, or of his actual residence at the time of said sale; or if such stockholder reside out of the State, such publication shall be made in the county where the principal office of the company is located; and if any residue of money shall remain after paying the amount due on said stock, the same shall, on demand, be paid over to the owner; if the whole of said installment be not paid by such sale, the remainder shall be recoverable by an action of debt against the subscriber, assignee or transferee. **How unpaid stock may be collected.**

SEC. 6. That whenever any railroad company heretofore incorporated, or created and incorporated under the provisions of this act shall, in the opinion of the directors thereof, require an increased amount of capital stock, they shall, if authorized by the holders of a majority of the stock, file with the auditor of state a certificate setting forth the amount of such desired increase, which shall not exceed the amount of the original capital of said company, and thereafter such company shall be entitled to have such increased capital as is fixed by said certificate. **Capital stock may be increased.**

SEC. 7. That the persons named in any special act of incorporation, or any five of them, shall be authorized to order books to be opened for receiving subscriptions to the capital stock of said company, at such time or times, and at such place or places as they may deem expedient, after having given at least twenty days' notice in a newspaper published or gener- **Subscriptions.**

Directors, how  
chosen, number  
and mode of  
election.

ally circulated in one or more counties where books of subscription are to be opened, of the time and place of opening books; and so soon as fifty thousand dollars, or ten per centum on the capital stock shall be subscribed, they may give like notice for a meeting of the stockholders, to meet at such time and place as they may designate, for the purpose of choosing directors, who shall continue in office until the time fixed for the annual election, and until their successors are chosen and qualified; at the time and place appointed, seven directors shall be chosen by ballot, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxies; each share shall entitle the owner to one vote, and a plurality of votes shall be necessary for a choice; but after the first election of directors, no person shall vote on any share on which any installment is due and unpaid. The persons named in such special act, or such of them as may be present, shall be inspectors of such election, and shall certify what persons are elected directors, and appoint the time and place for holding their first meeting; a majority of said directors shall form a board, and be competent to fill vacancies in their board, make by-laws, and transact all business of the corporation; a new election shall be annually held for directors, at such time and place as the stockholders, at their first meeting, shall determine, or as the by-laws of the corporation may require; and the directors chosen at any election shall, so soon thereafter as may be convenient, choose one of their number to be president, and shall appoint a secretary and treasurer of the corporation. The directors, before entering on their duties, shall each take an oath faithfully to discharge his duties, and they shall, from time to time, make such dividends of the profits of said company, as they may think proper.

Act of incorporation may become void.

SEC. 8. If such railroad company shall not be organized within three years from the passage of the special act incorporating the same, and not less than ten miles of such road be completed sufficiently for use within seven years from the same date, then the act creating the same shall be void.

Authority of corporation in appropriating land, timber, &c.

SEC. 9. Such corporation is authorized to enter upon any land for the purpose of examining and surveying its railroad line, and may appropriate so much thereof as may be deemed necessary for its railroad, including necessary side tracks, depots, work shops and water stations, materials for construction, except timber, a right of way over adjacent lands, sufficient to enable such company to construct and repair its road, and a right to conduct water by aqueducts, and the right of making proper drains. The corporation shall, forthwith, deposit with the clerk of the court of common pleas, or other court of record of the county where the land lies, a description of the rights and interests intended to be appropriated, and such land, rights and interests shall belong to said company to use for the purpose specified, on making payment or giving security, as is

hereafter provided. The corporation may, by its directors, purchase any such lands, materials, right of way, or interest, of the owners of such land ; or, in case the same is owned by a person insane or an infant, at a price to be agreed upon by the regularly constituted guardian or parent of such insane person or infant, if the same shall be approved by the court in which the description aforesaid shall be filed ; and, on such agreement and approval, the owner, guardian or parent, as the case may be, shall convey the said premises, so purchased in fee simple or otherwise, as the parties may agree, to such railroad company, and the deed, when made, shall be deemed valid in law. If the corporation shall not agree with the owner of the land, or with his guardian, if the owner is incapable of contracting, touching the damages sustained by such appropriation, such corporation shall deliver to such owner or guardian, if within the county, a copy of such instrument of appropriation. If the owner or his guardian, in case such owner is incapable of contracting, be unknown, or do not reside within the county, such corporation shall publish in some newspaper of general circulation in the county, for the term of three weeks, an advertisement reciting the substance of such instrument of appropriation ; upon filing such act of appropriation, and delivery of such copy, or making such publication, the court of common pleas or other court of record of the county where the land lies, or any any judge thereof in vacation, upon application of either party, shall appoint, by warrant, three disinterested freeholders of such county, to appraise the damages which the owner of the land may sustain by such appropriation ; such appraisers shall be duly sworn, they shall consider the benefit as well as injury which such owner shall sustain by reason of such railroad, and shall, forthwith, return their assessment of damages to the clerk of said court, setting forth the value of the property taken, or damage done to the property ; the amount of benefit conferred, and the difference between the value of, or damage done to the property taken, which they assess to such owner or owners separately, to be by him filed and recorded ; and thereupon such corporation shall pay to said clerk, the amount thus assessed, or secure the payment to the satisfaction of such court or of the judge issuing the warrant. And on making payment or tender thereof to said clerk, or on giving such security as may be required, it shall be lawful for such corporation to hold the interests in such lands or materials thus appropriated, and the privilege of using any materials on said roadway within fifty feet on each side of the centre of such roadway, for the uses aforesaid, the costs of such award shall be paid by such company ; and, on motion, by any party interested, and showing said proceedings, the court may order payment thereof, and enforce such payment by execution. The award of said arbitrators may be reviewed by the court of common pleas, or other court in which proceedings may be had, on written exceptions filed

Mode of procedure.

How damage ascertained, assessed, and awarded.

by either party in the clerk's office, within ten days after the filing of such award; and the court shall take such order therein as right and justice may require, by ordering a new appraisal on good cause shown: Provided that, notwithstanding such appeal, said company may take possession of the property described as aforesaid, and the subsequent proceedings on the appeal shall only affect the amount of compensation to be allowed; if prior to the assessment, the corporation shall tender to such owner or his guardian, if he be unable to contract, an amount equal to the award afterwards made, exclusive of costs, the costs of arbitration shall be paid equally by such company, and such owner or guardian.

How changes  
in location and  
grade may be  
made.

SEC. 10. That whenever any railroad company, heretofore incorporated, or which may be hereafter incorporated, shall find it necessary, for the purpose of avoiding annoyance to public travel, or dangerous or difficult curves or grades, or unsafe or unsubstantial grounds or foundations, or for other reasonable causes, to change the location or grade of any portions of their road, whether heretofore made or hereafter to be made, such railroad companies shall be, and is hereby authorized to make such changes of grade and location, not departing from the points and general route prescribed in the charter of such company; and, for the purpose of making any such change in the location and grade of any such road as aforesaid, such company shall have all the rights, powers and privileges, to enter upon and take and appropriate such lands, and make surveys necessary to effect such changes and grades, upon the same terms and be subject to the same obligations, rules and regulations, as are prescribed in the ninth section of this act, and shall, also, be liable in damages when any have been caused by such change to the owner or owners of the lands upon which such road was theretofore located to be ascertained and reserved as aforesaid; but no damages shall be allowed unless claimed within thirty days after actual notice of such intended change shall be given to such owner or owners, if residing on the premises, or notice by publication in some newspaper in general circulation in the county if non-resident: provided, however, that no such change of the location of the road be made, unless approved by the board of public works; and to enable the board of public works to act understandingly upon all such subjects, the said board of public works be and is hereby directed to appoint, on the application of any railroad company desiring such change, a competent engineer of the railroad to examine the proposed new route, and report the facts to the board of public works; provided, that nothing contained in this act, shall be so construed as to give to the Little Miami Railroad Company any power to relocate said railroad south of its present location, within the corporate limits of the town of Fulton, in Hamilton county, unless such change shall be approved by the board of public works,

Changes to be  
approved by the  
board of public  
works.



**SEC. 11.** If it shall be necessary in the location of any part of any railroad to occupy any road, street, alley or public way or ground of any kind, or any part thereof, it shall be competent for the municipal or other corporation or public officers, or public authorities, owning or having charge thereof, and the railroad company to agree upon the manner, and upon the terms and conditions upon which the same may be used or occupied; and if said parties shall be unable to agree thereon, and it shall be necessary in the judgment of the directors of such railroad company, to use or occupy such road, street, alley, or other public way or ground, such company may apply to the court of common pleas of the county in which the same is situate, setting forth the aforesaid facts, and said court shall thereupon appoint at least three judicious disinterested freeholders of the county, who shall proceed to determine whether such occupation is necessary, and if necessary, the manner and terms upon which the same shall be used, and make return of their doings in the premises to said court, who shall, if they deem the same just and proper, make the necessary order to carry the same into effect, or they may order a review of the same, as such court may consider justice and the public interest require.

**SEC. 12.** Such corporation may demand and receive for the transportation of passengers on said road, not exceeding three and one-half cents per mile, and for the transportation of property not exceeding five cents per ton per mile, when the same are transported a distance of thirty miles or more; and in case the same are transported for a less distance than thirty miles, such reasonable rate as may be from time to time fixed by said company, at any time after the expiration of ten years, from the time any such road may be put in operation, it shall be lawful for the General Assembly to prescribe the rates to be charged for the transportation of persons or property upon said road, should they be deemed too high, and may exercise the same power ten years thereafter: Provided, that no reduction shall be made, unless the net profits of the company, on an average for the previous ten years, shall amount to a sum equal to ten per centum per annum upon its capital, and then not so as to reduce the future probable profits below the said per centum.

Rates for transportation of persons & property.

**SEC. 13.** Such company shall have power to borrow money on the credit of the corporation, not exceeding its authorized capital stock, at a rate of interest not exceeding seven per cent. per annum, and may execute bonds or promissory notes therefor, and to secure the payment thereof may pledge the property and income of such company; provided, that the value and security of any liens, mortgage, or the stock held in or against such company, by the State, or the city of Cincinnati, shall not thereby be injured or otherwise impaired.

Power to borrow money and mode.

**SEC. 14.** Such company may acquire by purchase or gift, any lands in the vicinity of said road or through which the same may pass, so far as may be deemed convenient or necessary by

Lands for certain purposes may be acquired.

said company to secure the right of way, or such as may be granted to aid in the construction of such road or be given by way of subscription to the capital stock, and the same to hold or convey in such manner as the directors may prescribe; and all deeds and conveyances made by such company shall be signed by the president, under the seal of the corporation; and any existing railroad corporation may accept the provisions of this section, the five preceding sections of this act, or either of them, and after such acceptance, all conflicting provisions of their respective charters shall be null and void.

Streams may be diverted upon condition.

SEC. 15. It shall be lawful for such corporation, whenever it may be necessary in the construction of such road, to cross any road or stream of water, or to divert the same from its present location or bed; but said corporation shall, without unnecessary delay, place such road or stream in such condition as not to impair its former usefulness.

Offices for business may be established and changed.

SEC. 16. Such corporation shall, as soon as convenient after its organization, establish a principal office at some point on the line of its road, and change the same at pleasure, giving public notice in some newspaper of such establishment or change; and all process against said company, shall be served on the president or secretary, or by leaving a copy at the principal office of the corporation.

Taxat'n—rights reserved to the Gen. Assembly.

SEC. 17. The right is hereby reserved to the General Assembly, to provide for taxing such companies by any other mode than that now authorized by the provisions of the act levying taxes on all property of the State according to its true value; but not so as to require any such company, or the stockholders thereof, on account of the stock owned by them, to pay any greater rate of taxes for the time being, than the general average of taxation for all purposes on other property of equal value in those counties through which such road may pass, or within the limits of which the same may be located; and any existing railroad company may accept the provisions of this section, and thereafter be liable to taxation, as provided by the act levying taxes aforesaid, subject to the right of the General Assembly, herein reserved; and provided, also, that any existing railroad company accepting any of the provisions of this act, shall thereafter be subject to the taxation herein provided, subject to the right herein reserved.

Index-boards.

SEC. 18. Every company organized under this act, shall be required to erect at all points where their road shall cross any public road, at a sufficient elevation from such public road, to admit of the free passage of vehicles of every kind, a sign with large and distinct letters placed thereon, to give notice of the proximity of the railroad, and warn persons of the necessity of looking out for the cars; and any company neglecting or refusing to erect such sign, shall be liable in damages for all injuries occurring to persons or property from such neglect or refusal.



**SEC. 19.** That if, at any time, any dispute shall arise between any company incorporated under this act, and the post master general, as to the price of transporting the mails, the governor shall have power to adjust the same by arbitration ; but nothing contained herein shall be so construed as to interfere with the right of such company to fix the times of arrival and departure of their trains, or to change any general regulation of the company.

How disputes  
as to mail car-  
rying to be ad-  
justed.

**SEC. 20.** That each and every railroad company incorporated under this act shall, annually, in the month of January, make a full report of the condition of its affairs to the auditor of state, showing the amount of the capital stock of such company, the gross amount of tolls or receipts during the previous year, the cost of repairs and incidental expenses, the net amount of profits, and the dividends made ; with such other facts as may be necessary to a full statement of the affairs and condition of such road, and the auditor shall, annually, present an abstract copy of such report to the General Assembly.

Reports.

**SEC. 21.** The width of the track or guage of all roads under this act, shall be four feet ten inches between the rails.

Width of track.

**SEC. 22.** It shall be lawful for the directors of any railroad company, semi-annually, to compute, allow, and pay to its stockholders, interest at the rate of six per centum on all moneys theretofore paid as capital stock, to be set apart and paid in stock or cash, as the directors may determine : Provided, that they shall not allow or pay any interest in cash to stockholders, while any debt of such railroad company for labor or materials shall be due and unpaid ; and provided, further, that the capital stock shall, in no case, be reduced by such payment of interest, and any railroad company may establish a principal office, in the manner and for the purpose named in the sixteenth section of this act.

Dividends al-  
lowed upon  
condition.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 11, 1848.

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#### AN ACT

To establish the standard measure of Stone Coal, Coke and Unslacked Lime.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the standard bushel of stone coal, coke and unslacked lime in this State, shall contain twenty-six hundred and eighty-eight cubic inches.

The lawful  
measure defin-  
ed.

SEC. 2. The lawful measure for measuring the articles mentioned in the first section of this act, shall contain two bushels, and be of the following dimensions: twenty-four inches diameter at the top, twenty inches at the bottom, and fourteen and one-tenth inches deep.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

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AN ACT

To provide for extending the provisions of an act entitled "An act for the support and better regulation of Common Schools in the town of Akron," and the amendatory acts thereto, to the cities and incorporated towns of this State.

How the privi-  
leges of an act  
specified may  
be extended.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That every incorporated town or city in this State, shall have the provisions of the act entitled "an act for the support and better regulation of common schools in the town of Akron," and the amendatory act thereto, passed by the forty-sixth General Assembly of this State, extended to all or any of the said incorporated towns or cities, whenever two-thirds of the qualified voters thereof shall petition the town or city council in favor of having the provisions of said acts so extended.

Regulation in  
regard to direc-  
tors.

SEC. 2. That whenever two-thirds of the qualified voters of any city or incorporated town, shall petition the town or city council in favor of having the provisions of said acts extended to said city or incorporated town, the electors qualified to vote for members of the town or city council, shall assemble at the time and place within said town or city, of which at least ten days' previous notice shall be given by the city or town council, by posting written or printed notices in at least three of the most public places in said city or incorporated town, and then and there proceed to the election of six directors by ballot, who shall serve and in all respects be governed by the provisions of the act entitled "an act for the support and better regulation of common schools in the town of Akron," and the act amendatory thereto; and the common schools in said city or incorporated town shall, in all respects, be governed and organized according to the provisions of said acts.

SEC. 3. That the last preceding election in said city or incorporated town, shall be the basis upon which to determine the number of qualified voters.

**Sec. 4.** That all acts or parts thereof inconsistent with the provisions of this act are hereby repealed: Provided, that this act shall not extend to, nor be in force in the city of Cincinnati.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

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AN ACT

Authorizing Supervisors of Highways to apply labor upon roads located on State lines.

**Sec. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That it shall hereafter be lawful for the supervisors of road districts bordering upon the State line between Ohio and any adjoining State, where a public highway has been located upon such State line, in accordance with and under the provisions of the laws of the State of Ohio, to apply the labor of said district upon said roads in the same manner as on other roads located within the boundaries of this State.

Labor to be applied as upon roads within the State.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848

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AN ACT

To fix the compensation of the Guards of the Ohio Penitentiary, and to repeal a portion of an act conflicting with the same.

**Sec. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That so much of the act entitled "an act to reduce the compensation of members of the General Assembly, and certain other State and county officers and for other purposes," passed March twelfth, one thousand eight hundred and forty-four, as provides for the reduction of the salaries of the guards of the Ohio Penitentiary to twenty-five dollars per month, be and the same is hereby repealed; and from and after the

Compensation increased from \$25 to \$30 per month.

passage of this act, the compensation of the guards of said Ohio Penitentiary shall be thirty dollars per month.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To authorize copies of Entries and Surveys to be made in the Virginia Military District.

Authority given  
to county com-  
missioners.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of any county in this State, in whole or in part in the Virginia Military District, be and they are hereby authorized and empowered to procure, whenever they deem proper, the necessary books, and to contract with any person or persons for transcribing and recording therein any and all of the entries and surveys of any and all tracts or parcels of land in said district, either in whole or in part in any such county, including accurate plats thereof.

Copies to be  
compared with  
originals.

SEC. 2. That the said entries, surveys and plats, when so made and transcribed, shall be carefully compared with the originals, by the surveyor of the Virginia Military Land District, who shall certify in said book, at the end of said record, that the entries, surveys and plats are truly taken, and copied from the originals in his office, which certificate shall be under the seal of his office.

Books to be de-  
posited with  
the recorder of  
the county.

SEC. 3. That the said book or books containing the entries, surveys and plats aforesaid, shall be deposited and remain in the office of the recorder of the proper county, and said records and all copies thereof, certified by the recorder of the proper county, under his seal of office, to be true and correct copies from said record book, shall be received in evidence in all courts and places in the same manner, and shall have the same force and effect that the original entries, surveys and plats, or copies thereof would have: Provided, that any person interested may impeach the correctness of said record, so deposited in the recorder's office, or copies therefrom, by competent proof.

Fees.

SEC. 4. That the recorder of the proper county shall, on demand of any person, make and furnish copies of any entry, survey and plat from said record duly certified, and he shall be entitled to demand and receive therefor the sum of ten cents for every hundred words contained in the body of said copy,

together with twenty-five cents for his certificate thereto under seal, and twenty-five cents for each plat with said copy.

SEC. 5. That the surveyor of the Virginia Military District shall be entitled to receive for his certificate to any such record under seal, the sum of one dollar, and for comparing any such record, the sum of ten cents for every one thousand words. Compensation for surveyor.

SEC. 6. That all expenses incurred in making, comparing and certifying said record, shall be paid out of the treasury of the proper county, on the order of the auditor. How fees paid.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To amend the 18th section of the School Law, passed March 7, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the eighteenth section of the "act for the support and better regulation of common schools, and to create permanently the office of superintendent," be and the same is hereby so amended that, for causes not assigned in said section, the directors of any district or subdistrict may, upon a vote of a majority of the householders of such district or subdistrict authorizing them to that effect, sell and convey any school house or lot, and purchase such other grounds on which to erect a school house, as may be agreed upon by the householders of such district or subdistrict, at the time and in the manner in which the sale of property is authorized by the foregoing part of this section. Authorizing directors to sell and convey school houses or lots.

SEC. 2. This act to take effect from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

## AN ACT

To extend the provisions of the act passed February 28, 1813, entitled "An act to authorize the Court of Common Pleas to remit judgments or recognizances in certain cases, and for other purposes."

Testimony after verdict and confession may be heard in mitigation of penalty, &c.

Duty of Pros. Attorney.

Discretionary power granted to the courts in regard to judgments.

Further provisions as to discretionary power of the court.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever hereafter any person shall be convicted, in any court of common pleas of this State, either by confession or the verdict of a jury, of any crime or offence, punishable either in whole or in part by pecuniary fine, penalty or forfeiture, the said person, or his or her attorney, may move the court to hear testimony in mitigation of the fine, penalty or forfeiture; and it shall be the duty of the said court to hear such testimony, either immediately or at such time as may be suitable and proper, with reference to the convenience of suitors and the state of the trial list, or said court may continue said case either to a future day of the same session or to a future session, on the same terms and conditions as the same case might have been postponed or continued before verdict or confession. And it shall be the duty of the prosecuting attorney of the proper county to attend to such proceeding on behalf of the State, and to offer any testimony necessary to give the court a true understanding of the nature of the case.

SEC. 2. That the said courts shall have discretionary power to remit or reduce the amount of any judgment which has been or may hereafter be obtained therein, on any recognizance for an appearance to answer to the charge of any crime or offence, when it shall be made to appear that after the rendition of such judgment, the accused had been arrested and surrendered to the proper court to be tried on such charge, or where it shall be made to appear that the appearance or surrender of the accused had become impossible or beyond the power of the accused and his bail.

SEC. 3. That the said courts shall have discretionary power to reduce and mitigate the amount of any judgment rendered therein upon a recognizance of bail for any crime or offence, when upon the whole matter, taking into consideration the nature of the crime or offence, the conduct of the accused, and his bail and the amount of their property, it shall appear that the recognizance has been taken in too large a sum: Provided, that nothing in this section shall operate in favor of any bail who shall have acted collusively, by persuading, inciting or wilfully permitting his principal to escape; and it shall, also, be the duty of the prosecuting attorney to attend, on behalf of the State, to all proceedings in the second and third sections of this act mentioned.

SEC. 4. *And be it further enacted*, That the act entitled "an act to authorize county commissioners to remit fines in certain cases," passed March thirteen, eighteen hundred and forty-

three, be and the same is hereby repealed. This act to take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

#### AN ACT

Further to amend an act entitled "An act for the encouragement of Agriculture,"  
passed February 27, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the State Board of Agriculture shall have the power to audit and pay the ordinary expenses of the board, including the necessary personal expenses of the members, in their attendance on not more than three meetings in any one year, out of any funds now in their hands, or that may arise under the provisions of the "act to create a permanent agricultural fund in the State of Ohio, and for other purposes," passed February eighth, eighteen hundred and forty-seven; and it shall be the duty of the board, in their annual report, to state the names of the persons to whom any payment is made under this act, and the amount paid to each.

Expenses of the  
board to be  
paid.

SEC. 2. This act to take effect from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

#### AN ACT

To amend the act entitled "An act prescribing the duties of County Auditors."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it is hereby made the duty of the auditor of any county in this State in which a new township has been erected, or the first election of officers for such township held, since the first Monday of June, A. D., eighteen hundred and forty-seven, or in which any new township shall hereafter be erected, or the first election of officers for such township, shall

Duty of county  
auditors rela-  
tive to new  
townships.

shall be held between the first Monday of June, in any year, and the first day of January next following, immediately after the annual settlement of such auditor with the treasurer of such county, next after the erection of such township, to open an account with such new township in the same manner he is required by law to do with other townships; in which account he shall credit such new township with such portion of all moneys with which he would otherwise be required by law to credit the township or townships out of which such new township was or hereafter shall be erected, as arose or shall arise from taxes collected in, or from moneys by law distributable to, the territory embraced in such new township; and he is hereby authorized to charge such original townships, respectively, with the amounts taken by the authority of this act from such original townships, respectively, and credited to such new township.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 18, 1848.

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#### AN ACT

To amend the act to regulate the sale of the Wabash and Erie and Miami and Ohio Canal Lands.

Amount of reduction.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the appraisement of such of the Wabash and Erie, Miami and Ohio canal lands, as are appraised at more than three dollars per acre, be and the same are hereby reduced to three dollars per acre.

Exceptions.

SEC. 2. This act shall not affect any lands near the Mercer county, Loramie and Six Mile reservations, or any lands reserved by the State for hydraulic purposes.

SEC. 3. All laws or parts of laws that conflict with this law are hereby repealed.

SEC. 4. This act to take effect and be in force from and after the first day of March next.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 18, 1848.



## AN ACT

To prevent injuries and accidents occurring from the exposed condition of water wheels and other machinery attached to mills near public highways.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of each and every person or company of persons who have erected or who may hereafter erect mills or other manufacturing establishments near to any public highway, to build or erect a covert to any and all water and other wheels attached to said mills or other manufacturing establishments, and exposed to view, so as to prevent the action of said wheels giving alarm or fright to any horse or horses rode or driven along the highway.

Duty of those owning mills & near to public highways.

SEC. 2. That any person, persons or company, who shall neglect or refuse to comply with the requisitions of the first section of this act, shall be subject to indictment before the grand jury of the county where said mill or other manufactory is situated; and, upon conviction thereof, shall be fined in any sum not exceeding fifty dollars and costs of suit, and further be liable to an action of damage by the person or persons injured in consequence of any fright or alarm of a horse or horses from the action of said water wheels or other machinery.

Offenders subject to indictment, &c.

SEC. 3. That the fines collected under the provisions of this act shall be paid into the county treasury for the use of the county.

SEC. 4. This act shall take effect and be in force from and after the first day of June next.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To amend an act fixing the rate of Interest," passed January 12, 1844, [1824.]

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That, in all actions for the recovery of money, hereafter prosecuted in the courts of this State, all payments of money or property made by way of usurious interest, whether made in advance or not, shall be deemed and taken, as to the excess of interest above the rate allowed by law at the time of making the contract, to be payments made on account of principal; and the said court shall render judgment for no more than the balance found due after deducting the excess of inte-

Usurious interest to be deducted from the principal in action for money.

Proviso as to a  
bonafide endor-  
see.

rest so paid; nor shall any debtor be deemed a particeps criminis, on account of having paid, or having agreed to pay such exorbitant interest, but shall have like remedy and relief in either case: Provided, that no bona fide endorsee of negotiable paper purchased before due, shall be affected by any usury exacted by any former holder of such paper, unless he shall have actual notice of the usury previously to his purchase. But the amount of such excess incorporated into negotiable paper may, in such cases, after payment, be recovered back by action against the party originally exacting the usury in any court of competent jurisdiction.

How defendant  
may plead.

SEC. 2. *Be it further enacted*, That the defendant in any such action, as in the first section is mentioned, may plead specially, or give notice with the general issue of his intention to give evidence on the trial of the payment or reservation of any such usurious interest, or of the true consideration on which the contract sued upon shall be founded.

Act takes effect  
March 1, 1848.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after the first day of March next. But all acts done and rights acquired previously to the taking effect of this act shall be adjudicated according to the laws now in force.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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#### AN ACT

To amend an act entitled "An act to provide for the appointment of Trustees for the control of Associated Religious Societies, and to define their powers and duties," passed March 12, 1844.

In regard to the  
election of  
trustees and a  
clerk.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the passage of this act, it shall be lawful for any religious society within this State, (at a meeting of a majority of the members of any organized society thereof, called for that purpose, of which meeting notice shall have been first given, by posting up written or printed advertisements in three of the most public places in the township in which said society may be,) to elect any number of their members, not less than three, to serve as trustees, and one member

to serve as clerk, who shall hold their offices during the pleasure of said society.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

#### AN ACT

To amend the several "Acts now in force regulating Judgments and Executions."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That each and every person in this State who shall be engaged in the business of draying for a livelihood, shall hold one horse, harness and dray exempt from execution. Special provision as to draymen.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

#### AN ACT

To fix and apportion the representation of the General Assembly of the State of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the General Assembly of this State shall be composed of thirty-six senators and seventy-two representatives, to be apportioned as follows, to wit:

To the county of Hamilton, two senators and five representatives, to be elected as follows: So much of said county of Hamilton as is comprised within the limits, as now constituted, of the first, second, third, fourth, fifth, sixth, seventh and eighth wards of the city of Cincinnati, shall compose the first district, and shall be entitled to one senator and two representatives; the senator to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one; so much of said county of Hamilton as is not included in the first district, shall compose the second district, and shall be entitled to one senator and three representatives; the senator to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty.

To the county of Butler, one senator and one representative ; the senator to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty.

To the counties of Montgomery and Preble, one senator, to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty ; to each one representative, and an additional representative to be elected in common.

To the counties of Clermont and Brown, one senator, to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one, and to each county one representative.

To the counties of Warren, Greene and Clinton, one senator, to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one, and to each county one representative.

To the counties of Champaign, Clark and Madison, one senator and two representatives ; the senator to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty.

To the county of Miami, one representative ; to the counties of Darke and Shelby, one representative ; and to the three counties, one senator, to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty.

To the counties of Logan and Hardin, one representative ; to the counties of Union and Marion, one representative ; and to the four counties one senator, to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one.

To the counties of Allen, Mercer, Auglaize, Vanwert, Putnam, Paulding, Defiance and Williams, one senator, to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one ; to the counties of Mercer, Allen and Auglaize, one representative, and to the counties of Putnam, Vanwert, Paulding, Defiance and Williams, one representative.

To the counties of Lucas, Henry, Wood, Sandusky and Ottawa, one senator, to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty ; to the counties of Lucas and Henry, one representative, to the counties of Wood, Sandusky and Ottawa, one representative.

To the counties of Franklin and Delaware, one senator, to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty ; to each county one representative, and an additional representative to be elected in common.

To the counties of Ross and Pickaway, one senator and two representatives ; the senator to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one.

To the counties of Highland and Fayette, one senator and one representative ; the senator to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one.

To the counties of Adams and Pike, one representative ; to the counties of Scioto and Lawrence, one representative ; and to the four counties one senator, to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one.

To the county of Licking, one senator and one representative ; the senator to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty.

To the counties of Fairfield, Perry and Hocking, one senator and one representative ; the senator to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty ; to the county of Fairfield, one representative, and to the counties of Perry and Hocking, one representative.

To the counties of Jackson and Gallia, one representative ; to the counties of Athens and Meigs, one representative ; to the four counties one representative, to be elected in common ; and to the four counties one senator, to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one.

To the county of Muskingum, one senator and one representative ; the senator to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one.

To the counties of Morgan and Washington, one senator, to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one ; and to each county one representative.

To the counties of Coshocton and Guernsey, one senator, to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one, and to each county one representative.

To the counties of Tuscarawas and Carroll, one senator and two representatives ; the senator to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one.

To the counties of Jefferson and Harrison, one senator, to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty, and to each county one representative.

To the counties of Columbiana and Mahoning, one senator, to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one ; and to each county one representative.

To the counties of Belmont and Monroe, one senator, to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one ; to the county of Belmont, one representative, to the county of Monroe, one representative, and to the counties of Belmont and Guernsey, one representative, to be elected by the two last named counties in common.

To the county of Stark, one senator and one representative; the senator to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty.

To the counties of Wayne and Ashland, one senator, and two representatives; the senator to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty.

To the counties of Knox and Holmes, one senator and two representatives; the senator to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty.

To the counties of Richland and Crawford, one senator and two representatives; the senator to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one.

To the counties of Seneca, Hancock and Wyandott, one senator, to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty; to the county of Seneca, one representative, and to the counties of Wyandott and Hancock, one representative.

To the counties of Ashtabula and Lake, one senator and two representatives; the senator to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one.

To the counties of Trumbull and Geauga, one senator and two representatives; the senator to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty.

To the counties of Portage and Summit, one senator, to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty, and to each county one representative.

To the counties of Medina and Lorain, one senator, to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty, and to each county one representative.

To the counties of Huron and Erie, one senator and one representative; the senator to be elected in the years eighteen hundred and forty-eight and eighteen hundred and fifty.

To the county of Cuyahoga, one senator and one representative; the senator to be elected in the years eighteen hundred and forty-nine and eighteen hundred and fifty-one.

SEC. 2. When two or more counties elect in common, senators or representatives, the judges of the election shall be governed by the provisions of the act entitled "an act to regulate elections," passed February eighteenth, one thousand eight hundred and thirty-one.

The poll books of votes given for senator and representatives in the first district of Hamilton county, shall be returned to the clerk of the court of common pleas of said county, and be opened, counted and certified as one district, in the same manner that the poll books of an entire county are now, by law, required to be opened, counted and certified for members of the General Assembly; and the poll books of votes given for senator and representatives in the second district of Hamilton county, shall, also, be returned to the clerk of said court, and be opened, counted and certified in the manner aforesaid; and

in the discharge of the duties aforesaid, all officers shall be under the penalties by law provided in other cases of returning, opening, counting and certifying the votes given for senators and representatives of the General Assembly.

The abstract of votes given for senator in the county of Preble shall be transmitted to the clerk of the court of common pleas of Montgomery county.

The abstract of votes given for representative in the county of Preble in common with Montgomery, shall be transmitted to the clerk of the court of common pleas of Montgomery county.

The abstract of votes given for senator in the county of Clermont shall be transmitted to the clerk of the court of common pleas of Brown county.

The abstract of votes given for senator in the counties of Warren and Clinton shall be transmitted to the clerk of the court of common pleas of Greene county.

The abstract of votes given for senator and representatives in the counties of Champaign and Madison shall be transmitted to the clerk of the court of common pleas of Clark county.

The abstract of votes given for senator in the counties of Darke and Shelby shall be transmitted to the clerk of the court of common pleas of Miami county.

The abstract of votes given for representative in the county of Shelby shall be transmitted to the clerk of the court of common pleas of Darke county.

The abstract of votes given for senator in the counties of Marion, Hardin and Union shall be transmitted to the clerk of the court of common pleas of Logan county.

The abstract of votes given for representative in the county of Hardin shall be transmitted to the clerk of the court of common pleas of Logan county.

The abstract of votes given for representative in the county of Union shall be transmitted to the clerk of the court of common pleas of Marion county.

The abstract of votes given for senator in the counties of Allen, Mercer, Auglaize, Vanwert, Paulding, Defiance and Williams shall be transmitted to the clerk of the court of common pleas of Putnam county.

The abstract of votes given for representative in the counties of Mercer and Allen shall be transmitted to the clerk of the court of common pleas of Auglaize county.

The abstract of votes given for representative in the counties of Paulding, Vanwert, Defiance and Williams shall be transmitted to the clerk of the court of common pleas of Putnam county.

The abstract of votes for senator in the counties of Lucas, Henry, Sandusky and Ottawa shall be transmitted to the clerk of the court of common pleas of Wood county.



The abstract of votes given for representative in the county of Henry shall be transmitted to the clerk of the court of common pleas of Lucas county.

The abstract of votes given for representative in the counties of Wood and Ottawa shall be transmitted to the clerk of the court of common pleas of Sandusky county.

The abstract of votes given for senator in the county of Delaware, together with the votes given for a representative in common, shall be transmitted to the clerk of the court of common pleas of Franklin county.

The abstract of votes given for senator and representatives in Ross county shall be transmitted to the clerk of the court of common pleas of Pickaway county.

The abstract of votes given for senator and representative in the county of Fayette shall be transmitted to the clerk of the court of common pleas of Highland county.

The abstract of votes given for senator in the counties of Adams, Pike and Lawrence shall be transmitted to the clerk of the court of common pleas of Scioto county.

The abstract of votes given for representative in the county of Lawrence shall be transmitted to the clerk of the court of common pleas of Scioto county.

The abstract of votes given for representative in the county of Pike shall be transmitted to the clerk of the court of common pleas of Adams county.

The abstract of votes given for senator in the counties of Perry and Hocking, together with the votes given for a representative in common, shall be transmitted to the clerk of the court of common pleas of Fairfield county.

The abstract of votes given for representative in the county of Hocking shall be transmitted to the clerk of the court of common pleas of Perry county.

The abstract of votes given for senator and for the one representative to be elected in common in the counties of Athens, Gallia and Jackson shall be transmitted to the clerk of the court of common pleas of Meigs county.

The abstract of votes given for the representative to be elected in the counties of Gallia and Jackson shall be transmitted to the clerk of the court of common pleas of Gallia county.

The abstract of votes given for representative in the counties of Meigs and Athens shall be transmitted to the clerk of the court of common pleas of Meigs county.

The abstract of votes given for Senator in the county of Washington shall be transmitted to the clerk of the court of common pleas of Morgan county.

The abstract of votes given for senator in the county of Coshocton shall be transmitted to the clerk of the court of common pleas of Guernsey county.



The abstract of votes given for senator and representatives in the county of Carroll shall be transmitted to the clerk of the court of common pleas of Tuscarawas county.

The abstract of votes given for senator in the county of Jefferson shall be transmitted to the clerk of the court of common pleas of Harrison county.

The abstract of votes given for senator in the county of Mahoning shall be transmitted to the clerk of the court of common pleas of Columbiana county.

The abstract of votes given for senator in the county of Monroe shall be transmitted to the clerk of the court of common pleas of Belmont county, and the abstract of votes given in Guernsey county for one representative elected in common by the counties of Belmont and Guernsey shall be transmitted to the clerk of the court of common pleas of Belmont county.

The abstract of votes given for senator and representatives in the county of Ashland shall be transmitted to the clerk of the court of common pleas of Wayne county.

The abstract of votes given for senator and representatives in the county of Holmes shall be transmitted to the clerk of the court of common pleas of Knox county.

The abstract of votes given for senator and representatives in the county of Crawford shall be transmitted to the clerk of the court of common pleas of Richland county.

The abstract of votes given for senator in the counties of Hancock and Wyandott shall be transmitted to the clerk of the court of common pleas of Seneca county.

The abstract of votes given for representative in the county of Hancock shall be transmitted to the clerk of the court of common pleas of Wyandott county.

The abstract of votes given for senator and representatives in the county of Ashtabula shall be transmitted to the clerk of the court of common pleas of Lake county.

The abstract of votes given for senator and representatives in the county of Geauga shall be transmitted to the clerk of the court of common pleas of Trumbull county.

The abstract of votes given for Senator in the county of Portage shall be transmitted to the clerk of the court of common pleas of Summit county.

The abstract of votes given for senator in the county of Loran shall be transmitted to the clerk of the court of common pleas of Medina county.

The abstract of votes given for senator and representative in the county of Erie shall be transmitted to the clerk of the court of common pleas of Huron county.

SEC. 3. The act entitled "an act to fix and apportion the representation of the General Assembly of the State of Ohio," passed March twelfth, one thousand eight hundred and forty-four, is hereby repealed: provided, that such repeal shall not

effect the terms of office of those senators who may have been elected under the said act of March twelfth, one thousand eight hundred and forty-four.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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AN ACT

To amend the act entitled "An act to provide for the election of Electors of President and Vice President of the United States," passed February 15, 1820.

Time for presidential electi'n.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the qualified electors of this State shall, on the first Tuesday of November next, and on the Tuesday next after the first Monday in November in every fourth succeeding year, assemble in their respective townships, at the usual places designated for holding elections, and proceed to elect a number of electors of president and vice president of the United States, equal to the number of senators and representatives in the Congress of the United States, to which, at such times respectively, this State may be entitled; which election shall be conducted, in all respects, except as to the day on which the same shall be held, in accordance with the provisions of the act passed February fifteenth, one thousand eight hundred and twenty, entitled "an act to provide for the election of electors of president and vice president of the United States," and with the provisions of law now in force, with regard to the elections, so far as the same may be applicable to such election of electors as aforesaid.

SEC. 2. That so much of all laws or parts of laws as conflicts with the provisions of this act, is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

## AN ACT

To correct a clerical error in a certain other act.

WHEREAS, in an act passed January eleventh, eighteen hundred and forty-eight, entitled "an act to amend section one hundred and five, of the practice act," passed March eighth, eighteen hundred and thirty-one, clerical errors occurred, by which the eighty-seventh section of the act to regulate the practice of the judicial courts, passed March eighth, eighteen hundred and thirty-one, was described as section one hundred and three, and the eighty-ninth section of the same act was described as section one hundred and five: Therefore,

Preamble.

[Sec. 1.] *Be it enacted by the General Assembly of the State of Ohio*, That the act above referred to, passed January eleventh, one thousand eight hundred and forty-eight, shall be deemed and taken as though such errors did not exist; and the section described therein as section one hundred and three. shall be construed to mean section eighty-seven, and the section described as section one hundred and five, shall be construed to mean section eighty-nine.

Changes indicated.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

## AN ACT

Declaratory of the law in case of losses arising on the Canals and other Public Works in this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no claim for any damages arising from any loss or injury of, or to any property or merchandise passing along or being on the canals, navigable feeders, slackwater improvements, roads or other improvements of any kind whatsoever, belonging to this State, shall hereafter be allowed or paid by the State or out of its treasury, in any manner directly or indirectly; and the words property or merchandise, shall be construed to extend both to the goods and to the vehicle in which they may be contained.

Losses will not be paid by State

SEC. 2. That no insurer or insurance company shall have any recourse on the State or its treasury, to be reimbursed for any loss such as is mentioned in the first section of this act, by reason of such insurer or insurance company having paid or being liable to pay the same; but nothing herein contained shall

Insurers shall have no recourse on the State.

be construed so as to take away or impair any right of action which any person or company may at any time have against any person for negligence or delinquency in the discharge of his duties.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 22, 1848.

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AN ACT

To amend the act to provide for the printing of the Ohio Reports.

One thousand  
 copies to be  
 printed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That hereafter, instead of fifteen hundred copies of the Ohio Reports, required to be printed by "the act to provide for the printing of the Ohio Reports," passed January eleventh, eighteen hundred and forty-five, one thousand copies only of such reports shall be printed.

SEC. 2. This act shall take effect on the first day of May next.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 22, 1848.

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AN ACT

To amend the "Act relating to Wills," passed March 23, 1840.

WHEREAS, doubts exist, whether by virtue of the provisions of the "act relating to wills," passed March twenty-third, eighteen hundred and forty, the courts of common pleas of this State, as courts of probate, have power to take the proof, and admit to probate last wills and testaments duly executed according to the laws in force at the time of the execution of the same, and which have been lost, spoliated or destroyed, but not revoked, and which cannot be produced for probate: Therefore, for the purpose of removing all doubts on that subject,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the several courts of common pleas within this State, either at their regular terms, or at special sessions thereof, convened for that purpose, shall have full power and authority to admit to probate, any last will and testament which such court may be satisfied was duly executed according to the provisions of the act upon that subject, in force at the time of the execution of such last will and testament, and not revoked at the death of the testator, where such original will has been lost, spoliated or destroyed, subsequently to the death of such testator, and cannot be produced in court in as full, ample and complete a manner, as such courts now admit to probate last wills and testaments, the originals of which are actually produced in court for probate.

Wills which have been lost, how admitted to probate.

**SEC. 2.** In all cases where application shall hereafter be made to the court of common pleas to admit to probate a will duly executed as aforesaid, and which has been lost, spoliated or destroyed as aforesaid, it shall be the duty of the party seeking to prove the same, to give a written notice to all persons whose interest it may be to resist the probate, and who reside in the county where the testator resided at the time of his death, or to their agent or attorney, five days before the sitting or convening of the court, at which such proof is to be made, or to give notice, by publication, in a newspaper printed in the county, thirty days before the sitting or convening of such court.

Notice to be given to persons interested.

**SEC. 3.** In all such cases, the said court shall cause the witnesses to such will, so executed and lost, spoliated or destroyed, and not revoked, and such other witnesses as any person interested may desire to come before such court, and said witnesses shall be examined in open court, and their testimony reduced to writing and filed in court: Provided, that in all cases where it may be necessary so to do, in consequence of witnesses residing out of the jurisdiction of the court, or who reside within it, and who are infirm or unable to attend court, the court may order the testimony of such witnesses to be taken and reduced to writing by a master commissioner of the court, or other competent person, which testimony shall, also, be filed in court as aforesaid.

Witnesses how examined, and testimony filed.

**SEC. 4.** If the court, upon such proof, shall be satisfied that such last will and testament has been duly executed in the mode provided by the law in force at the time of its execution, that the contents thereof are substantially proven, and that the same was unrevoked at the death of the testator, and has been lost, spoliated or destroyed, subsequently to the death of such testator, they shall find and establish the contents of such will, as near as the same can be ascertained, and order the same, and the testimony taken in the case, to be recorded in the probate record of such court.

On being satisfied of the validity of such lost will, court may establish and admit to record.

Shall be effect-  
tual for all pur-  
poses.

May be contes-  
ted in the same  
manner as is  
provided in the  
act to which  
this is amenda-  
tory.

Verdict may be  
delivered to the  
jury.

Copies to have  
the same force  
as of wills not  
lost.

This act to ap-  
ply to cases  
pending and un-  
determined.

SEC. 5. The contents of any such last will and testament so found, established and admitted to probate as aforesaid, shall be as effectual to pass real and personal estate, and for all other purposes, as if the original will had been admitted to probate and record according to the provisions of said "act relating to wills."

SEC. 6. Such will may be contested within the same period, and in the same manner as is provided for contesting wills in the act to which this is amendatory, and if the jury, upon the trial of the issue, shall find in favor of the party claiming under the will, and shall find the same to be different in substance from that admitted to probate under this act, they shall set forth in their verdict the substance of the will as they find it to have existed, and a certified copy of the said verdict, with a decree of the court thereupon, shall be transmitted to the court of common pleas of the proper county for record, and the same shall then and there be considered as duly proved.

SEC. 7. Upon the trial of such issue, it shall be lawful for either party, with the permission of the court, to deliver to the jury to be taken with them in their retirement, such a verdict as he claims the evidence will justify.

SEC. 8. Authenticated copies of the records of such will shall have the same force and effect as like copies of the records of wills not lost, spoliated or destroyed, now have by virtue of the act to which this is amendatory.

SEC. 9. This act, and all its provisions, shall apply to every case, motion or application now pending and undetermined in the court of common pleas of any county of this State, to admit to probate any last will and testament which was duly executed and not revoked at the death of the testator, where such original will has been lost, spoliated or destroyed, subsequently to the death of such testator, and to establish and admit to record its contents: Provided, that the notice required to be given by the second section of this act, shall not be required, or apply to any such cause, motion or application, now pending and undetermined.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 22, 1848.

## AN ACT

Further to amend the "act for levying taxes on all property in this State according to its true value," passed March 2, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be an annual county board for the equalization of real property in each county, to be composed of the county commissioners, county auditor and county surveyor, who shall meet for that purpose at the auditor's office in each county, on the second Monday of April, annually; said board shall have power to hear complaints and to equalize the valuation of all real property within the county, and shall be governed by the first three rules prescribed in the forty-fourth section of the "act for levying taxes on all property in this State according to its true value;" provided, that said board shall not reduce the value of the real property of the county below the aggregate value of the real property on the duplicate of the preceding year, adding thereto the value of all new entries and new structures (over the value of those destroyed) as returned by the several township assessors for the current year: provided, also, that the county board for the county of Hamilton shall not have power to equalize the real property in the city of Cincinnati.

Annual county board created for equalization of real prop'ry.

SEC. 2. There shall be a special board for the equalization of the real property in the city of Cincinnati, to be composed of the county auditor and four citizens of said city, to be appointed by the city council; said board shall meet annually at the auditor's office in Cincinnati, on the first Monday of May, and shall have power to equalize the value of the real property within the city of Cincinnati, and be governed by the same rules, provisions and limitations that are prescribed for the government of the county boards for the equalization of real property: provided, that said board shall not be authorized to extend its session beyond the first Monday of June in each year.

Annual board created for Cincinnati.

SEC. 3. The several county auditors shall lay before said boards of equalization the valuation of the several parcels of real property in their county as the same were entered on the duplicate of the preceding year, and of those returned by the assessors of the several townships for the current year, with such maps, returns, lists, and abstracts as are in their offices; and each board shall keep a regular journal of its proceedings, which shall be deposited with the auditor of the county; and the county auditor shall add to or deduct from the value of any tract, lot or parcel of real property, or of any district, township or town, such sum or per cent. as shall have been ordered by the board of equalization.

County auditors to furnish boards with valuations, abstracts, &c.

SEC. 4. That all credits of any person, company or firm for property sold, work done, or services rendered, shall be listed and taxed as other credits subject to taxation by the "act for levying taxes on all property in this State according to its

Credits for property sold, &c., subject to taxation.



true value:" provided, however, that book accounts, to an amount not exceeding two hundred dollars, shall be exempt from taxation, and liquidated credits to an amount not exceeding one hundred dollars shall also be exempt from taxation. This section shall not take effect until January first, eighteen hundred and forty-nine.

M'rch'nts commencing after first Mar. must report to county auditor.

SEC. 5. That when any person shall commence merchandising in any county, after the first day of March, and the average value of whose personal property employed in merchandising shall not be entered on the assessor's list for taxation, such person shall report, under oath, to the auditor of such county the probable amount of the average value of the personal property by him intended to be employed in merchandising until the first of March thereafter, and shall pay into the treasury a sum which shall bear the same proportion to the levy for all purposes on the average value so employed, as the time from the day on which he shall commence merchandising, as aforesaid, to the first day of March next succeeding shall bear to one year.

County audit'rs to appoint ag't to notify merchants, &c.

SEC. 6. The auditor of each county in this State shall, if he deem it necessary, have the power to appoint a competent person in his county to notify all such persons who shall commence merchandising after the first day of March, and the average value of whose personal property employed in merchandising shall not be entered on the assessor's list for taxation, to report themselves to the county auditor for the purposes contemplated by the preceding section; and such person so appointed shall receive such compensation as the auditor shall direct, subject to the approval of the county commissioners.

Pen'ly for neglecting to report and pay tax.

SEC. 7. That if any person shall commence merchandising as aforesaid, and shall not, within one month thereafter, report to the county auditor and make payment to the county treasurer, as required in section five, he shall forfeit and pay the sum of two per cent. on the value of the personal property by him employed in merchandising; to be ascertained as near as may be by the testimony of witnesses, and recovered by an action of debt in the name of the county treasurer, for the use of the county, before any justice of the peace or court having jurisdiction thereof.

Leas's for more than 14 years, or with clause of renewal taxable.

SEC. 8. That the provisions of the twenty-sixth section of the act passed February eight, eighteen hundred and forty-seven, to amend the "act for levying taxes on all property in this State according to its true value," shall extend to and include all leases for more than fourteen years, and to all leases which provide, in any manner, for a renewal or continuance of the same beyond the term of fourteen years: provided, that the person entitled to receive such rents, not owning the ground in fee, may file a statement, upon oath, with the county auditor, on or before the first Monday of June, stating the amount of rents which he is bound to pay upon the same tract of land or

Proviso as to deductions to be made by auditor.



lot upon which he is entitled to receive the rents returned by the assessor, and the county auditor shall deduct from the sum returned by the assessor, a sum equal to the principal of such rents at the rate of six per cent., and shall place the balance upon the duplicate for taxation.

SEC. 9. That previous to the fifteenth of October in each year, the treasurers of the several counties shall be required to attend one day at the place of holding the election in each township of their respective counties, for the purpose of receiving taxes, unless the commissioners of any county shall order otherwise.

Treasurer shall attend one day in each township.

SEC. 10. All city and town corporations shall have power annually to determine on the amount to be raised for any purpose for which such city or town corporation, in its charter or by any special law, shall be authorized to assess a tax and certify the same to the county auditor; every such city or town corporation shall specify upon its record the amount required for each purpose, and it shall not be lawful to use such specific fund for any other purpose than the one for which the same was specially levied: provided, however, that the aggregate amount levied by any city or town corporation, for any year, shall not exceed a tax of five mills on the dollar of the taxable property in such incorporated town or city, unless in such incorporated town there shall be less than one hundred thousand dollars in value of property entered upon the duplicate for taxation; in which case, the tax shall not exceed eight mills on the dollar: and provided, further, that such limitations shall not extend to special or discriminating taxes which city or town corporations are or may be authorized to levy: provided, further, that the limitations and powers of this section shall not extend to city and town corporations whose powers have been regulated as to taxation since the passage of the tax law of March second, eighteen hundred and forty-six.

City and town corporations to determine am't of corporation taxes, and certify the same to auditors.

Proviso limiting amount of tax.

SEC. 11. That the commissioners of each county shall, at their March or at their June session, annually, determine on the amount to be raised for ordinary county purposes, for bridges, for public buildings, for the support of the poor, for interest and principal on the county debt, and for the support of common schools; the commissioners, however, shall set forth upon the record of their proceedings, specifically, the amount to be raised for any one of the above defined purposes. The county auditor shall carefully ascertain the net amount collected for each purpose under said levy; and it shall not be lawful to use any such specific fund for any other purpose than the one for which the same was specially levied.

County commissioners to determine am't of county taxes.

SEC. 12. The trustees of the several townships in each county shall, on or before the fifteenth day of June, annually, determine the amount necessary to be raised in their townships, respectively, for ordinary township purposes, for the payment of legal and just claims against such township, for the support

Township trustees to determine amount of township taxes.

of the poor ; and the road tax, shall be determined at the time and in the manner prescribed in the sixth section of the act passed January twenty-two, eighteen hundred and forty-eight, entitled "an act for the assessment of personal property, and the valuation of new structures and new entries;" the levy for said purposes shall be specific, so entered upon the record of the proceedings of said trustees and certified to the county auditor, who shall carefully ascertain the net amount collected for each purpose ; it shall not be lawful to use any such specific fund for any other purpose than the one for which the same was specially levied.

City, town and school district taxes to be returned to auditor and placed on duplicate.

SEC. 13. All taxes for city, town corporate, or school district purposes by any law authorized to be assessed, shall be returned to the county auditor of the proper county, on or before the fifteenth of June, annually, and by him placed upon the duplicate, and be collected by the county treasurer as other taxes are collected : provided, that any special or discriminating tax by any law authorized to be collected otherwise, shall not be required to be placed upon the duplicate.

Annual board for equalization of personal property, &c.

SEC. 14. The annual board of equalization constituted by the first section of this act shall, also, at the same time, hear complaints and equalize the assessments of all personal property, moneys and credits, new entries and new structures returned for the current year by the assessor, being governed by the provisions of the fourth section of the amendatory tax law, passed February eight, eighteen hundred and forty-seven.

Township assessors allowed \$1 50 per day.

SEC. 15. Township assessors shall be allowed one dollar and fifty cents per day, to be paid out of the county treasury, for the time which they shall be necessarily employed in the performance of their duties, except in the county of Hamilton, wherein said assessors shall receive two dollars per day. This section shall not take effect until January first, eighteen hundred and forty-nine.

Audit'r of State to review instructions and bring on duplicate property of certain societies.

SEC. 16. The auditor of State be and he is hereby directed to review his instructions with reference to the first, second and third clauses of the third section of the act entitled "an act for levying taxes on all property in this State according to its true value," with a view to bring upon the grand duplicate for taxation all property held by scientific, literary, religious or benevolent societies or corporations, and leased or otherwise used with a view to profit ; and the said auditor of State be and he is hereby directed and authorized to take all steps necessary to carry out more fully and fairly the true intent and object of the provisions of the act already referred to.

Certain sections repealed.

SEC. 17. Sections fifty-five and fifty-six of the tax law of March two, eighteen hundred and forty-six, section twenty-seven of the amendatory tax law passed February eight,

eighteen hundred and forty-seven, and all other parts of acts inconsistent with the provisions of this act are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 22, 1848.

#### AN ACT

To authorize the Canal Fund Commissioners to exchange certain certificates of the funded debt of the State.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the canal fund commissioners be and they are hereby authorized to redeem the five and six per cent. certificates of the fund debt of the State, payable after eighteen hundred and fifty, with the consent of the holders of said certificates, by issuing and giving in exchange therefor certificates payable after eighteen hundred and sixty: Provided, that neither class of certificates shall be paid out for less than their par value, and that said commissioners, for the five per cent. certificates, shall not issue new certificates bearing a higher rate of interest than five per centum, and for the six per cent. certificates they shall not issue new certificates unless they can negotiate the exchange for a rate of interest less than six per cent.

Manner in which the authority given is to be exercised.

SEC. 2. This act to take effect from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To provide for the extinguishment of the Public Debt of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state is hereby required to levy, annually, after the year one thousand eight hundred and forty-eight, at the time of levying taxes for State purposes, the amounts hereinafter provided, to be applied to the payment of the public debt of the State; the sums to be levied as follows: In the year one thousand eight hundred and forty-nine, one hundred thousand dollars; in the year one thousand eight hun-

Duty of state auditor.

Sums to be levied.

dred and fifty, one hundred and six thousand dollars ; in the year one thousand eight hundred and fifty-one, one hundred and twelve thousand three hundred and sixty dollars, and so continue, annually, to levy an amount equal to the amount levied in the preceding year, and six per centum thereon added thereto, until the reimbursable debt of the State shall be fully paid.

Amounts to be paid over to, & applied by fund commissioners.

SEC. 2. The amounts collected by the provisions of the first section of this act, shall be paid over to the fund commissioners, and be by them applied to the payment of the funded debt of Ohio ; and all bonds so paid shall be canceled and filed with the auditor of state, who shall give said commissioners a receipt therefor, and their proceedings therein shall be reported annually to the General Assembly.

SEC. 3. That the fund commissioners shall not renew their bonds or extend the time of payment of the funded debt of the State, in any manner that will prevent the State from applying the sums contemplated to be raised by the provisions of this act.

Authority given to the canal fund commissioners.

SEC. 4. The canal fund commissioners are hereby authorized, and, whenever an opportunity occurs, they are directed to exchange for certificates of the six per cent. stocks of the funded debt of this State, or to sell or otherwise dispose of for money, any and all of the shares of stock held by the State in any of the railroads of this State : Provided, that such shares of stock shall in no case be sold or otherwise disposed of except upon cash payment therefor, or if exchanged for certificates of the six per cent. stocks aforesaid, the amount of such certificates of stock shall, at least, be equal to the amount of railroad shares of stock exchanged therefor ; and in no case shall any such shares be sold, exchanged or otherwise disposed of at less than the par value of the same.

Further authority and directions to commissioners.

SEC. 5. The canal fund commissioners are hereby further directed, in case such railroad shares of stock are sold or otherwise disposed of for money, to invest the money thus received in the purchase of the six per cent. stock of the funded debt of this State, on such terms and conditions as they may deem reasonable ; but in no case shall they pay or allow a higher rate for such stocks than their par value.

Stock to be canceled.

SEC. 6. The canal fund commissioners are hereby further directed to cancel any and all the stocks received in pursuance of the preceding sections, and to report their action on the same, and the amount received to the General Assembly.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To amend an act entitled "An act to regulate the Militia," passed March 12, 1844, and an amendatory act thereto, passed February 25, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the fifth section of the first recited act, and the first and third sections of the amendatory act thereto, and so much of the fourth section of the said amendatory act as requires the volunteer companies to hold a brigade muster and encampment, and so much of the above recited act as requires the township assessors to demand of or collect from the persons subject to enrollment in the militia, the sum of fifty cents, each, be and the same are hereby repealed.

Sections specified which are repealed by this act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

In relation to Appeals in Chancery.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever an appeal shall be taken to the supreme court, from any order or decree in chancery, for the payment of money, made or entered by any court of record in this State, by the party against whom such order or decree may be entered, the supreme court to which such appeal may be taken, if they shall find an amount due the appellee equal to or greater than the sum awarded by the court below, exclusive of costs, shall add to the amount so found due and include in the decree which they shall render for the same, a sum equal to five per centum of the amount so found due, unless the court shall be satisfied, and so enter upon their minutes, that there was reasonable ground for said appeal.

Five per cent. to be added to the amount found due appellee upon certain specified conditions.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

In relation to convict labor.

Condition upon  
which contract  
may be renew-  
ed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That hereafter it shall not be lawful for the directors and warden of the Ohio Penitentiary, either to renew any existing contract for the hire of convict labor, or to enter into any new contract for the hire of such labor, unless, upon report by them made to the legislature of the proposed contract or renewal, they shall be specifically authorized by the legislature so to do.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To authorize the erection of town halls.

Tax may be levied by the legal voters of any township or incorporated town, for a town hall.

Notice that a vote for this purpose will be taken must be given.

Mod' of voting.

Duty of trustees.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the legal voters of any township or incorporated town in this State may assemble, on the first Monday of April in any year, at the usual place of holding elections in said township or incorporated town, and then and there decide by ballot for or against levying a tax on all the property subject to taxation in such township or incorporated town for the purpose of erecting a town hall: provided, ten days' previous notice shall have been given by the township clerk, on the order of the township trustees or the written request of not less than ten legal voters of the township, by posting up printed or written notices in three of the most public places in said township or incorporated town, that the voters will be called upon to vote for or against the erection of such hall at said election; and in incorporated towns said notice shall be given by the town council.

SEC. 2. That every voter who is in favor of levying a tax on all the property of the township or incorporated town for the erection of such hall shall indorse on his ballot "town hall;" and if a majority of all the legal voters at such election, vote "town hall," then the trustees of such township, or council of such incorporated town, shall, on or before the first day of June thereafter, inform the auditor of the proper county of the vote of the electors in such township or incorporated town, as expressed at said election, and the county auditor shall levy

a tax on all the property of such township or incorporated town standing on the grand list for the purpose aforesaid, and to enable the trustees of such township or incorporated town to purchase a lot, if necessary, upon which to erect said hall; and it shall be lawful for the trustees of any township, or town council of any incorporated town in which a town hall shall have been erected, at any time to levy and collect a tax upon all the property of said township subject to taxation, for the purpose of painting and repairing said hall: provided the amount of taxes under the provisions of this act shall, in no case, exceed two mills on the dollar of the taxable property of any township or incorporated town; and the tax so levied shall be collected by the county treasurer, in the same manner and at the same time that State and county taxes are collected, and by him paid to the order of the trustees of such township, or to the town council of any incorporated town: provided, further, that not more than one mill on the dollar, or five hundred dollars in the aggregate, shall be levied for the erection of a town hall in the township of Tallmadge, in Summit county.

Proviso as to  
amount of tax.

Proviso as to  
a township in  
Summit coun-  
ty.

SEC. 3. That said hall and the ground upon which it is erected, shall be under the control and held by the trustees of the township, if erected by a township, and the town council, if erected by an incorporated town.

Who shall con-  
trol said town  
hall.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1843.

#### AN ACT

To amend the "act to provide for a uniform standard of weights and measures;" passed February 21, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person or persons shall hereafter use any weights, measures or beams, in weighing or measuring, which shall not conform to the standards of the State, established by the act to which this is an amendment, or any other measures established by law, whereby any dealer in, purchaser or seller of any commodity or article of traffic shall be injured or defrauded, such dealer, purchaser or seller may maintain an action on the case against the offender, and if judgment shall be rendered for the plaintiff, he shall recover double damages and costs of suit.

Remedy for any  
injury or loss a-  
rising from  
weights & mea-  
sures not con-  
forming to the  
standards esta-  
blished by act  
of February 21,  
1846.



Fifteenth section of the act of 1846 repealed.

**SEC. 2.** The fifteenth section of the "act to provide for a uniform standard of weights and measures," passed February twentieth, one thousand eight hundred and forty-six, is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

Explanatory of the act entitled "an act providing for the collection of claims against steamboats and other water crafts, and authorizing proceedings against the same by name," passed February 26, 1840.

**Preamble.**

**WHEREAS**, the act entitled "an act providing for the collection of claims against steamboats and other water crafts, and authorizing proceedings against the same by name," passed February twenty-sixth, eighteen hundred and forty, and the act amendatory thereto, have been so construed as to limit the beneficial operation of the same, and in part defeat the object which said acts were designed to accomplish; therefore,

An action under the act of Feb. 26, 1840, may be maintained in this State, although the cause of action may have accrued beyond the territory of Ohio.

Proviso in favor of bona fide purchaser not having notice.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act providing for the collection of claims against steamboats and other water crafts, and authorizing proceedings against the same by name," passed February twenty-six, A. D., eighteen hundred and forty, and the act amendatory thereof, shall be so construed as to authorize and enable any person or persons to bring or maintain against any such water craft, according to the provisions of the acts of which this is explanatory, any action or actions provided for or contemplated in said acts or either of them, notwithstanding the cause of action may have accrued beyond or out of the territorial limits or jurisdiction of this State, and although such craft may not have been, at the time such cause of action accrued, navigating the waters within or bordering upon this State: provided, that no claim or cause of action arising or accruing beyond or out of the territorial limits or jurisdiction of this State, under the provisions of the acts of which this is explanatory, shall be permitted to attach or operate to the prejudice of any bona fide purchaser of such craft not having notice of the existence of such claim or cause of action.

SEC. 2. This act shall be held to apply as well to cases already pending as to such as may hereafter be commenced. Application of the act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To amend an act passed February 9, 1846, relative to incorporations for manufacturing and other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the capital stock of any manufacturing company that [is] or may hereafter be formed under the provisions of the act to which this is an amendment, may be increased, from time to time, in sums of not less than ten thousand dollars at a time, by filing a certificate, as in case of the original formation of such companies, and proceeding otherwise in the same manner, to an amount not exceeding, in the aggregate, two hundred thousand dollars. How the capital stock of any manufacturing company may be increased.

SEC. 2. That hereafter when five or more persons may desire to form a company for the purpose of carrying on any kind of manufacturing, mining, mechanical or chemical business, shall, by complying with the provisions of the act to which this is an amendment, be entitled to all the privileges and subject to all the restrictions contained in said act. How new companies may be formed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To amend the act supplementary to the act to prevent unauthorized banking and the circulation of unauthorized bank paper.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any bank or incorporated company doing a banking business or dealing in money as a business, or exchange broker, money broker or private banker or other person or persons who shall receive money Notes of banks of other States not to be paid out by the banks of this State for circulation.

on deposit, or buy and sell bills of exchange, or loan money, or exchange one kind of bank bills or money for another, with a view to profit, to issue, pay out, or give in exchange for other money so as to go into circulation in this State, any circulating notes or bills, except the notes or bills of the banks of this State issued according to law.

Penalty for violating first section.

SEC. 2. Any bank, incorporated company, or other person described in the first section of this act, who shall offend against the provisions of said section, shall forfeit and pay a sum equal to one-half the amount of the notes and bills so paid out, to be recovered and paid over for the use of the State in the manner prescribed by the "act to prohibit unauthorized banking and the circulation of unauthorized bank paper," passed March twelfth, one thousand eight hundred and forty-five.

Exception to the provisions of first section.

SEC. 3. The provisions of this act shall not be construed to extend to the paying out of notes or bills by any person or persons in his or their ordinary business, in no wise connected with the business of any banking, broker or money dealer, nor to the paying out or exchanging such notes or bills by any bank, banking company or person described in the first section of this act, when such notes or bills shall be paid out or exchanged in good faith to be taken out of the State of Ohio, and when such bank company or person has good reason to believe and does believe that the same will not be put in circulation within this State.

All notes, &c. purchased in violation of first section to be deemed null & void.

SEC. 4. Every note, bond, bill of exchange, draft, check, or other evidence of debt, discounted, bought or otherwise obtained by any bank, corporation, private company or individual, described in the first section of this act, and paid for in whole or in part in bank notes described in the first section, contrary to the true intent and meaning of this act, shall be held and adjudged null and void; and no suit or action for the recovery thereof shall be sustained by any court in this State, and all contracts, promises and agreements, founded in whole or in part on the payment, exchange or putting forth of such bank notes, contrary to the provisions of this act, shall be held and adjudged utterly null and void.

SEC. 5. This act to take effect and be in force from and after the first day of June next.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To provide for the establishment of Common Schools for the education of the children of black and mulatto persons, and to amend the act entitled "An act for the support and better regulation of Common Schools, and to create permanently the office of Superintendent," passed March 7, 1838, and the acts amendatory thereto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all such property belonging to black or colored persons, as is liable to taxation when owned by white persons, be taxed for school purposes, and the taxes thereon assessed be collected in the same manner as similar taxes are by the acts to which this is an amendment, a separate account of which shall be kept by the several county auditors, and shall be paid out for the support of schools for black or colored persons in any district in which such schools may be organized; but in any such district in which the children of black or colored persons are permitted to attend the common schools with the children of white persons, then such fund shall be added to the common school fund of the district from which it was collected, and paid over to the treasurer of said district on the order of the directors of said district.

How the tax for school purposes upon the property of colored persons shall be assessed, collected and applied.

SEC. 2. That every city, incorporated town or village, seat of justice, or organized township in this State, containing twenty or more black or colored children, of any age, and desirous of attending school, shall constitute a school district for such children; and it shall be lawful for colored persons residing in such school district as aforesaid, to assemble and organize said district, appoint school directors of their own number, to erect and repair a suitable school house of their own, to procure suitable teachers, and in all respects, for such purposes only, to possess the same powers, and enjoy the same benefits that are possessed and enjoyed by white persons, by virtue of the acts to which this is an amendment.

When and how school districts may be organized.

SEC. 3. That if any of the said school districts, as herein provided, contain more than fifty black or colored scholars, the same may be divided by the school directors of said districts, into two or more districts, and each of such new districts shall have all the powers and privileges possessed by those from which said districts were taken: Provided, no school district shall contain a less number of black or colored scholars than twenty.

Division of districts.

SEC. 4. That when any three or more of the black or colored taxpayers in a school district shall be desirous of dividing said district, as herein before provided, they shall first cause ten days' notice to be given, by posting up written or printed notices, in at least three public places within said district, of the time and place that the directors will meet for that purpose, which notice shall, also, contain a description of the boundaries of the proposed new division; and it shall be the duty of said directors to meet at the time and place named in said notice, and if a majority of the black or colored taxpayers in said district are in favor of dividing said district, as described in said

How districts may be divided.

notice, it shall be the duty of said directors to make said division.

When and upon what conditions colored childr'n may be admitted into schools for white children.

SEC. 5. That in every city, incorporated town or village, seat of justice, or organized township in this State, containing a less number than twenty black or colored children, desirous of attending school, it shall be the duty of the school directors of any school district organized for the education of white children, to admit said black or colored children upon the same terms, and they shall be entitled to the same benefits as they would be if they were white, under the acts to which this is an amendment: Provided, no written objection be filed with the directors, signed by any person having a child in such school, or by any legal voter of such district.

Conditions upon which no tax shall be assessed.

SEC. 6. That in any city, incorporated town or village, seat of justice, or organized township in this State, where there are less than twenty black or colored children desirous of attending the common schools, and the white inhabitants will not permit them to attend said schools, and in all other respects be entitled to the same privileges, and governed in the same manner as they would be if they were white, under the acts to which this is an amendment, in all such districts, no black or colored person's property shall be taxed for school purposes.

Taxes to be refunded.

SEC. 7. That when any black or colored person or persons, residing in any school district within this State, where there are less than twenty black or colored children of any age, desirous of attending the common schools in said district or districts, shall have paid a tax for school purposes, it shall be the duty of the county auditor in the county in which such district or districts are located, on application of such black or colored person or persons, and satisfactory proof thereof, to draw an order in favor of such black or colored person or persons, on the county treasurer, for the amount of said tax: Provided, in all cases, that the white inhabitants will not permit such black or colored children to have the benefit of the common schools in said districts, upon the same terms, and enjoy the same privileges, and possess the same powers, in all respects, that they would if they were white, under the acts to which this is an amendment.

Proviso.

Proviso as to grants and donations.

SEC. 8. That when the said schools are organized, as hereinbefore provided, they shall, in all respects, be governed except as herein provided, and, also, in their organization, according to the provisions of the act to which this is an amendment; the children of such schools shall be enumerated, and have the exclusive benefit of any donation or grant of land which shall be made by any person or persons, or by congress for the support of such schools, which shall be vested in the legislature of this State and appropriated to such schools only; and all the taxes levied and collected from the property of colored or black persons in the same manner that they would be entitled to were they white, and in all other respects have the same powers under the acts to which this is an amendment.

SEC. 9. That nothing in this act shall be so construed as to tax the property of white persons for the purpose of building school houses for black or colored children, or purchasing sites for such houses, or for tuition purposes, contrary to the wishes of such taxpayers.

Regulation as to tax for scho'l houses.

SEC. 10. That all acts or parts thereof inconsistent with the provisions of this act are hereby repealed ; and, in no case, shall the property of black or colored persons be taxed for the support of schools organized to educate white youth, except as herein provided.

Repealing clause and condition.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To amend the act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March 7, 1838, and the acts amendatory thereto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it is hereby made the duty of the district clerk in the several school districts in this State to make an estimate, as near as possible, of the amount of money required in his district, in addition to what shall be furnished by the several provisions of the act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March seven, eighteen hundred and thirty-eight, and the acts amendatory thereto ; if there shall be a deficiency to provide at least six months good schooling to all the youth in said district who are by law entitled to benefits of common schools, during the year ensuing, and shall cause public notice to be given of the amount required, by posting the same in writing on the door of the common school house within the district, and upon three of the most public places in said district, at least fifteen days before the second Monday of April, annually ; and it shall be lawful for the qualified voters of each school district in this State to assemble on the second Monday of April in every year, at the school houses in the several school districts, and there to express themselves for or against school tax, in such manner as the directors of the several districts may direct, either by ballot or otherwise ; and if it shall be found that a majority of the qualified voters present at such meeting are in favor of school tax, the result shall be certified to the auditor of the proper

How, when, and how much addition'l tax may be levied for school purposes.

county, who shall assess the amount so estimated and certified as aforesaid by the district clerk, upon all the property of such district subject to taxation, not exceeding one mill on the dollar, which shall be collected by the county treasurer, as other taxes are collected and paid over to the district treasurer, on the order of the directors of such school district; but if there shall be a majority of the qualified voters of any school district at such meeting opposed to school tax, then there shall be no further school tax assessed for that year, except what is now authorized by law to be raised in school districts.

Duty of school directors, in case specified.

SEC. 2. That it shall be the duty of the school directors of the several school districts in this State to meet on the second Monday of April, annually, at the school house in their several districts, for the purpose of ascertaining the will of the qualified voters in reference to school tax as pointed out in the first section of this act; and it shall be the duty of one of the said directors to preside over the deliberations of said meeting, and it shall also be their duty to cause the time for such meeting on said day to be named in the notices required by the first section of this act, and any other notices for school meetings that may be posted up by their order.

SEC. 3. That all acts or parts thereof inconsistent with the provisions of this, are hereby repealed.

Time of annual meeting.

SEC. 4. That the annual school district meetings, as provided in the acts to which this is an amendment, shall be held hereafter on the second Monday of April, annually, and all such business required to be transacted by said acts on the third Friday of September, annually, shall be transacted on the said second Monday of April, annually: provided, that if the directors of any school district shall neglect or fail to give the requisite notice of such annual meeting in the manner contemplated by the act to which this is an amendment, then it shall be lawful for said directors, by giving such notice, to call such annual school district meeting at any subsequent time between the second Monday of April and the third Friday of September following.

Proviso.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.



## AN ACT

Allowing fees to county auditors for filing and preserving certain papers.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the several county auditors in this State, in filing away the statements of the taxable property of the individual taxpayers as returned by the township assessors, in pursuance of the provisions of the act entitled "an act for levying taxes on all property in this State according to its true value," passed March two, eighteen hundred and forty-six, to file the statements aforesaid, returned from the different townships, in separate bundles, each township by itself, instead of filing each statement separately. Statements of different townships to be filed separately.

SEC. 2. That the county auditors shall be allowed and paid out of the county treasury the sum of twenty-five cents, and no more, for filing away the statements of taxable property in each township in their respective counties, as required by the first section of this act. Compensation for same.

SEC. 3. That all parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed: provided, that the provisions of this act shall not include the county of Hamilton. Repealing clause, and proviso.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To amend the act to regulate the sale of intoxicating liquors, passed February 8, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the tenth section of the "act entitled an act to regulate the sale of intoxicating liquors," passed February eight, eighteen hundred and forty-seven, be and the same is hereby repealed, and the act thereby repealed is hereby revived. Tenth section of former act repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To amend the act entitled "An act to punish the offence of cutting or destroying fruit and ornamental trees, and stealing fruit and vegetables in certain counties of this State," passed March 13, 1845.

The provisions  
of former act  
extended.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to punish the offences of cutting down or destroying fruit and ornamental trees, and stealing fruit and vegetables in certain counties of this State," passed March thirteen, eighteen hundred and forty-five, be and the same is hereby declared to extend to and to embrace within its provisions cranberries and cranberry bushes.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To amend an act to encourage Teachers' Institutes, and to extend the provisions of the acts providing for Teachers' Institutes and county Superintendents, to the several counties of this State.

Former law  
made general.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of the act entitled "an act to encourage teachers' institutes," and the act entitled "an act to provide for the appointment of county superintendents of common schools, and defining their duties in certain counties therein named," passed February eighth, eighteen hundred and forty-seven, be and the same are hereby extended to all the counties in this State.

Former act in  
reference to li-  
braries amen-  
ded.

SEC. 2. That the second section of the act entitled "an act to encourage teachers' institutes," passed February eighth, eighteen hundred and forty-seven, is hereby so amended, that all money used under the provisions of said section in purchasing libraries, shall be used in purchasing and supporting suitable common school libraries for the several common school districts in the several counties in this State that may be in possession of the fund named in the first section of said act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To amend an act entitled "An act to regulate the practice of the Judicial Courts,"  
passed March 12, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases tried to a jury, the presiding judge shall, on the application of either party to the case on trial, before the jury retire to consider of their verdict, reduce to writing the charge of the court upon any point of law involved in the case, and such charge shall remain on file among the papers in the cause.

Charges of court to the jury shall, on application, be written & filed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To extend the act "for the relief of creditors on the National Road."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of the act of February eight, eighteen hundred and forty-seven, "for the relief of creditors on the National Road," are hereby declared to be extended, so far as to enable the auditor and attorney general, under the provisions of said act, to examine and adjust the claims named in schedule O, of the special report of the auditor of state in relation to the claims on the national road, and such claims as were excluded by the fourth clause of the fifth section, limiting the allowance of claims in the hands of bona fide holders to those purchased for a valuable consideration, "before the first day of May, one thousand eight hundred and forty-five:" Provided, however, that no claim shall be re-examined, or allowed, which has heretofore been adjudged to be either fraudulent or an unjust claim against the State: and provided, further, that no claim excluded as aforesaid, shall be allowed, unless the holder thereof shall, also, show that the certificate of such claim was in good faith issued for work performed, or materials furnished on said road.

The kind of claims specified which may have the benefit of this act.

Proviso.

SEC. 2. This act to take effect from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

provide for the sale of lands belonging to the State near the Mercer County Reservoir.

Provisions for a survey, &c., of Mercer co. reservoir.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works be and they are hereby directed to cause the resident engineer having charge of the Mercer county reservoir, to run a water line at the same level with the original wasteweirs of said reservoir, around said reservoir, and make a complete survey of the same, and return the field notes, and a correct map thereof, to the officers [office] of the board of public works, on or before the first day of July, one thousand eight hundred and forty-eight.

The land adjoining said reservoir to be surveyed.

SEC. 2. That said resident engineer shall survey, or cause to be surveyed, all lands belonging to the State, not now in market, adjoining and near said reservoir, and calculate the contents of each tract, and return the field notes and maps thereof to the office of the board of public works, and to the register of the State land office at Lima, on or before the first day of August next: Provided, that said surveys shall not extend below the water line described in the first section of this act.

Appraisement of lands, specified.

SEC. 3. That said lands, including the west half of section twenty-six, and east half of section twenty-eight, township five, south of range four, east, in said county, shall be appraised under the direction of the board of public works, and shall be subject to entry at the State land office at Lima, at the appraised value thereof, on and after the first day of September next: Provided, that should two or more persons make application for the same tract, at the same time, it shall be the duty of the receiver to offer said tract or tracts at public auction, to the highest bidder.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate*

February 24, 1848.

## AN ACT

To provide for the employment of convict labor upon the new State House.

Regulation as the number of convicts employed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall, during the year eighteen hundred and forty-eight, and thereafter until otherwise provided by law, be employed upon the erection of a new State house, on the plan heretofore settled, so many and such of the convicts

in the said penitentiary, as can be employed advantageously upon said State house: Provided, that nothing herein contained shall be construed to authorize the infringement of any valid contract now subsisting for the hire of convict labor.

SEC. 2. That the work done upon the new State house, provided for in this act, shall be done under the direction of the State house commissioners, but under the care and supervision of the warden of the penitentiary; and the warden of the penitentiary shall keep an account with said commissioners, of the amount and value of labor so employed, and the same shall be reported in the annual reports of the officers of that institution to the legislature. Duty of ward'n.

SEC. 3. That, to defray the necessary expenses for the profitable employment of the convict labor aforesaid, for the year eighteen hundred and forty-eight, there be and is hereby appropriated the sum of twenty thousand dollars, to be paid out of any moneys in the State treasury. Amount appropriated.

SEC. 4. The convict labor provided for by this act, shall be applied in the preparation of materials, and in such other work as will least interfere with a revision or alteration of the plan for the new State house, should a future legislature wish to change the same. How labor to be applied.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

Limiting the duties of the Board of Public Works, in relation to claims for damages on navigable streams.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works, and commissioners by them appointed, shall entertain no application for damages for loss of water on streams, either navigable in fact or declared so by law, unless it be shown that the water abstracted from such stream for canal purposes, was necessary to operate mills or other hydraulic machinery in actual use at the time the water was so abstracted. What application cannot be granted.

SEC. 2. That all provisions of law not consistent with the foregoing section be and the same are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To amend an act entitled "An act for the maintenance and support of illegitimate children," passed February 2, 1824.

Directors of the poor may institute suits.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any woman has a bastard child, who now is or may hereafter become a pauper in any county poor house in any county in this State, shall neglect to bring a suit for the maintenance of such child, or commence a suit and fails to prosecute to final judgment, the directors of the poor house in any county, or the trustees of any township, interested in the support of any such bastard child, where sufficient security is not offered to save the county from expense, may bring a suit in behalf of the county against him who is accused of begetting such child, or may take up and prosecute a suit begun by the mother of the child.

Warrant under this act may be served in any county in the State.

SEC. 2. That the warrant authorized to be issued by the act to which this is an amendment, against any accused person, shall authorize and empower the officer to which it is directed, to pursue and take the accused person in any county in this State, and to bring said accused person before the justice who issued said warrant, to answer the complaint made against him.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To dispense with the necessity of copying the papers in bills of review, and for other purposes.

Mode of procedure.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That, whenever any party, complainant or defendant, shall seek a review of any final decree or order in chancery, such party may file in the clerk's office of the court in which the decree was rendered, a short petition setting forth the names of the parties to such suit, the substance of the decree or order sought to be reviewed, and an assignment of the errors relied upon to reverse or set aside such decree or order; and the prayer for such reversal and errors in law and in fact, may be assigned at the same time.

Duty of clerk.

SEC. 2. That, on the filing of such petition, the clerk should issue a subpoena against all the parties to the original suit, except such as may be petitioners in the suit of review, as in other cases.

**SEC. 3.** That all the original papers and evidence in the original cause, and the entries made, shall be used on the hearing of said bill of review; and it shall not be necessary for the party to procure a copy of the record of proceedings in the original cause, nor shall it be necessary to recite, in the bill of review, any of the facts set forth in the pleadings in the original cause.

Original papers  
instead of co-  
pies to be used.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

In relation to the State bank of Ohio, and other banking companies,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That if any branch of the State bank of Ohio, now or hereafter established, shall neglect or refuse to comply with any order of the board of control, requiring such branch to reduce its circulation or other liabilities, or to provide a larger amount of specie or other means, or to pay in its stock, or to do or cease to do any other matter or thing which said board of control may deem necessary for the security of such branch or any other branch or branches, said board of control, or any member thereof acting for said board, may apply to any judge of the supreme court, court of common pleas, president judge of the court of common pleas, any judge of a superior court, or to the supreme court, or court in bank in session, by petition or bill in chancery addressed to the judge of the supreme court, in which the State bank of Ohio shall be made party, petitioner or complainant, and the branch implicated defendant, setting forth the substance of such order or orders, and such neglect or refusal on the part of the branch, its officers or agents to comply therewith; and if the president or any member of the board of control shall make affidavit of the truth of the facts therein stated, it shall be the duty of such judge or court to allow an injunction, and to enjoin such branch, its officers, agents and all others in its employ, or connected therewith, from doing, or suffering or permitting to be done any business whatever as a bank, and from intermeddling with or in any manner disposing of the books, papers, money, choses in action, assets or property of the branch, whatsoever, until the further order of the supreme court or court in bank.

Power given to  
the board of  
control to en-  
force their or-  
ders upon the  
branches.



As to filing injunction.

**SEC. 2.** The petition or bill in chancery may be ordered by the judge or court allowing the injunction, to be filed in any county of this State, and the supreme court shall hear and determine the same as in other cases.

Property, credits, &c., vested in the board of control after allowance of injunction.

**SEC. 3.** Upon the allowance of such injunction, the property, credits, securities, liens and assets of every description of such branch, shall forthwith vest in the board of control, who shall appoint a receiver to take possession of the same, as provided by the twenty-fifth section of the act incorporating the State bank of Ohio and other banking companies, passed February twenty-four, eighteen hundred and forty-five; a certificate of appointment of such receiver shall be sufficient authority to him to take possession of the books, property and rights of every description of such branch, and shall be full authority to the sheriff of the county where the branch is located to give such receiver full possession of such books, property and rights, with the aid of the county, if required; and said board and receiver shall, as far as applicable, be governed by all the provisions of said act as provided in cases of suspension; and upon the dissolution of such injunction, or a discontinuance of such suit by the board, all the rights and property of such branch shall be restored to and vest in said branch.

Referring to the 61st section of the act of February 24, 1843.

**SEC. 4.** The forfeiture mentioned in the sixty-first section of the act to which this is an amendment, shall only be established by an action in the name of the person or persons from whom the illegal interest has been taken, and the amount when recovered shall go to the use of common schools of the proper county.

Provision allowing branches of State bank or independent banks to relinquish stock.

**SEC. 5.** If any banking company formed under the act to incorporate the State bank of Ohio and other banking companies, shall have assumed at the time of their formation, or subsequently thereto, an amount of capital greater than the minimum amount of capital required by said act, and if there shall not have been actually paid in on account of capital stock, such excess over the smallest amount required by said act, such banking company, whether a branch of the State bank of Ohio or independent banking company, may, by a vote of the stockholders owning a majority of the stock of such company, relinquish all or such part of such stock over the minimum amount required by said act, and give notice of such relinquishment, if a branch of the State bank of Ohio, to the board of control, if an independent banking company, to the bank commissioners.

Duty of board of control or bank commissioners in case herein specified.

**SEC. 6.** If any such banking company shall have assumed at the time of its formation, or subsequently thereto, a greater amount of capital than the smallest amount required by said act, and if any installment or installments required by said act to be paid on said capital, shall remain unpaid after the time when, by the terms of said act, such installment or installments should have been paid, the board of control, if such delinquent

company be a branch of the State bank of Ohio, or the bank commissioners, if an independent bank, shall, on receiving satisfactory proof of such delinquency, declare so much of such capital as shall not have been paid up, to have been relinquished by such banking company, but not reducing thereby the capital stock of such company below the minimum amount required by said act for the formation of such banking companies.

SEC. 7. In case of a voluntary relinquishment of capital stock, or of a relinquishment for the nonpayment of installments, as provided in the two preceding sections, the board of control or the bank commissioners, as the case may require, shall give notice of such relinquishment by publication thereof, for three consecutive weeks, in two newspapers having the most general circulation, published in Columbus, and from and after such publication such relinquished capital shall be considered as unappropriated capital, subject to be assumed by any banking company formed or to be formed, as in case of banking capital that shall not have been appropriated.

Stock relinquished may be considered unappropriated capital, after publication specified.

SEC. 8. In case where there shall remain in any banking district, unappropriated capital, but not sufficient for the formation of a new banking company, a banking company may be formed in any county in said district, with a capital if a branch of the State bank of not less than one hundred thousand, if an independent banking company not less than fifty thousand dollars, and the additional capital over the amount of the unappropriated capital of such district may be transferred from such other banking district or districts as shall have remaining an amount of unappropriated capital less than the minimum amount required by said act for the formation of a banking company: provided, that no such transfers of capital shall be made until after the expiration of two months from the passage of this act, nor shall any such transfer be made unless the bank commissioners and the board of control of the State bank of Ohio shall concur in the opinion that such transfer is required by the public convenience and the commercial interests of the State.

Provisions in regard to transfer of capital.

SEC. 9. The first four sections of this act shall be in force from and after the acceptance of the same by members of the board of control representing a majority of the stock of the State bank of Ohio.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

Supplementary to the act entitled "an act to authorize the county commissioners of this State to lay out and establish State roads."

A free turnpike road may be changed into a State road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county in this State through which a free turnpike road may pass, shall have power to change such road in whole or in part into a State road in their respective counties: provided, the debts of such free turnpike shall be paid as they would have been had such change not been made.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To amend the act entitled "an act to create the office of Attorney General, and to prescribe his duties."

Compromises may be made by the auditor and attorney general with State debtors.

Proviso.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the attorney general, by and with the concurrence of the auditor of State, shall be authorized to compromise and compound with debtors to the State against whom judgments or decrees have been recovered and are now of more than two years standing, for moneys due to the State exclusively, at such sum and upon such terms of payment as may be agreed upon, and upon such compromise, to release the judgment or decree: provided, that no judgment or decree arising from the defalcation of any person employed on, or holding an office at the time of such defalcation connected with any of the public works of this State, shall be so compromised without the concurrence of the board of public works.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To amend the act to regulate the practice of the Judicial Courts.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the clerk of the court of common pleas in the several counties of this State, to record at length in the execution docket, now required by law to be kept by such clerk, the return of the proper officers, of all levies made on real estate under executions at law, and the return by the like officers of all subsequent proceedings, had by such officers, in pursuance of such levies; and the records which shall so be kept as aforesaid, in pursuance of this act, shall be construed to be a part of the records of such court.

The clerk of court to record on execution docket, returns of all levies, &c.

**SEC. 2.** That the clerk shall be entitled to receive, as compensation for the services required of him by this act, ten cents for every hundred words contained in the records so by him made, as aforesaid, to be taxed and collected in the same manner as other costs of increase in the proper cases.

Fees.

**SEC. 3.** That whenever a recognizance in any criminal case, shall be forfeited in the court of common pleas, whether taken before such court, before a judge of any court of this State, or before any justice of the peace; and whenever any recognizance which shall have been declared forfeited by a justice of the peace, shall be returned into the court of common pleas, it shall not be necessary to make any minute of such forfeiture, or of such return of such justice of the peace, in the journal of the court, but it shall be sufficient for the clerk to make a memorandum of the date of such forfeiture in the court of common pleas, or of the date of the return by such justice of the peace, of such forfeited recognizance into such court, as the case may be, upon the back of such recognizance, which memorandum shall be attested by the signature of such clerk; whereupon such recognizance, and the forfeiture of the same, shall be deemed to be of record in such court, and it shall not be necessary to enter upon the journal of the court, any recognizance which shall be taken during the session of the same, but every such recognizance shall be deemed valid in law, if taken in open court, and attested by the clerk of such court.

No record to be made of recognizances forfeited.

**SEC. 4.** That it shall be the duty of every judicial or other officer hereafter taking a recognizance binding any person to appear in any court of common pleas of this State, to answer to the charge of any crime or offence, to forward said recognizance, together with a transcript of his proceedings in said case to the prosecuting attorney, or clerk of said court, within twenty days after the same shall have been entered into, if so many days intervene between the taking of the recognizance and the sitting of said court. But if said recognizance shall be taken less than twenty days before the sitting of said court, then the same, together with said transcript, shall be returned to said prosecuting attorney or clerk, on or before the first day of the

An endorsement upon the back of the recognizance sufficient.

The time prescribed for forwarding to clerks of courts recognizances taken for crimes and offences.

next term, or if taken in term time, the same shall be returned forthwith; and any officer failing to return any recognizance within the time herein prescribed, shall forfeit all fees accruing to him in the case in which said recognizance was taken, and it shall be the especial duty of the clerk to disallow and cast the same out of the bill of costs, and the officer receiving any recognizance, shall, immediately, endorse thereon the date of his receiving the same, and subscribe his name thereto. This act shall take effect and be in force from and after the first day of April next.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

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#### AN ACT

To amend "an act directing the mode of proceeding in Chancery," passed March 14, 1831.

During the pendency of a suit at law or chancery for recovery of money or damages, a party may, for causes herein specified, obtain an injunction to restrain from disposition of property, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the passage of this act, where any suit at law for the recovery of money, or damages for any cause of action which would survive to or against the personal representative of the plaintiff or defendant, or whenever a suit in chancery for the recovery of a specific sum of money, or damages, shall be pending, and the plaintiff or complainant in such suit, his agent or attorney, shall have reason to believe, and shall, in fact, believe, either, 1. That the defendant in such suit is about to abscond from his usual place of abode in this State; or, 2. That such defendant is removing, or is about to remove, with his property or effects out of this State; or, 3. That such defendant is about to convey, assign, remove, conceal or dispose of his property with intent, or so as to defraud, hinder or delay his creditors; or, 4. That such defendant fraudulently contracted the debt, or incurred the obligation upon which such suit is brought; or, 5. That the debt or obligation upon which such suit is brought, was contracted by the defendant out of this State, and that such defendant, with intent to defraud, hinder or delay his creditors, absconded from his former place of abode in another State or Territory, district or county; or secretly removed his property from such other State, Territory or district, into this State, with intent, or so as to hinder, delay or defraud his creditors; the pendency of such suit, together with the existence of either of the causes

above enumerated, shall entitle the plaintiff or complainant in such suit to file his bill or petition against the defendant, his debtors and those having in their custody any of his property, money or effects, in the same way as is provided in the fifteenth section of the act to which this is an amendment.

SEC. 2. Every bill or petition filed under this act, shall contain a succinct statement of the cause of action for which the original suit was commenced, the amount due thereon, a brief statement of the facts claimed to justify the belief of the existence of any of the causes above specified, and shall be verified by the oath of the petitioner, his agent or attorney.

What the bill or petition must contain.

SEC. 3. That the supreme court, or court of common pleas, or any judge of either of said courts, on being satisfied by the oath of the petitioner, his agent or attorney, or by that and such other affidavits as such court or judge may deem it reasonable to require, of the existence of either of the five causes above enumerated, may grant an injunction to restrain the defendant in such suit from any disposition of any property, credits or effects belonging to the defendant in the original proceedings inconsistent with the security of the petitioner, until the claim upon which the original suit was brought shall have been adjusted and satisfied, or until further order of the court.

Who may grant an injunction, and its effect.

SEC. 4. That the court or judge granting an injunction under this act, shall require such bond and with such security, as may, under the circumstances, be deemed reasonable, to be filed and treated as in other cases of injunction bonds.

Bond to be given.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

#### AN ACT

Making provision for the incorporation of cemetery associations.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the passage of this act, it shall be lawful for any number of persons, not less than ten, who are residents of the county in which they desire to form themselves into an association, to form themselves into a "cemetery association," and to elect any number of their members, not less than three, to serve as trustees, and one member as clerk, who shall continue in office during the pleasure of the society; all such elections shall take place at a meeting of a

How associations may be formed, and of officers to be elected.

majority of the members of such association, and after notice for at least twenty days in a newspaper, or by posting at least three written notices at public places in the township.

Duty of the clerk of the association and county recorder.

SEC. 2. That the clerk hereinbefore authorized to be appointed, shall forthwith make out a true record of the proceedings of the meeting provided for by the first section of this act, certify and deliver the same to the recorder of the county in which such meeting shall be held, together with the name by which such association shall desire to be known; and it shall be the duty of each county recorder in this State, immediately upon the receipt of such certified statement, to record the same in a book to be by him provided for that purpose at the expense of the county, and the recorder shall be entitled to the same fee for his services as he is entitled to demand for other similar services; and from and after making such record by the county recorder, the said trustees and their associated members and successors, shall be invested with the powers, privileges and immunities incident to aggregate corporations; and a certified transcript of the record herein authorized to be made by the county recorder, shall be deemed and taken in all courts and places whatsoever within this State, as conclusive evidence of the existence of such cemetery association.

Power of trustees.

SEC. 3. That the trustees who may be appointed under the provisions of the first section of this act shall have perpetual succession, and shall be capable in law of contracting, and of prosecuting and defending suits at law and in equity; and where suits shall be brought against said incorporation, mesne process against it may be served, by leaving an attested copy thereof with one of the trustees at least ten days before the return day thereof.

Authority given to the associations.

SEC. 4. All such associations shall have power to prescribe the terms on which members may be admitted, the number of its trustees and other officers, (subject to the limitation set forth in the first section of this act) and the time and manner of their election or appointment, and the time and place of meeting for the trustees and for the association, and to pass all such other bylaws as may be necessary for the good government of such association, not inconsistent with this or any other statute of the State, nor in violation of the constitution.

Additional authority.

SEC. 5. Such association shall be authorized to purchase or to take by gift or devise, and hold land exempt from execution and from any appropriation to public purposes, for the sole purposes of a cemetery, not exceeding one hundred acres, which shall be exempt from taxation if used exclusively for burial purposes, and in no wise with a view to profit; after paying for such land, all the future receipts and income of such association, whether from the sale of lots, from donations or otherwise, shall be applied exclusively to laying out, preserving, protecting and embellishing the cemetery and the avenues leading



thereto, and to the erection of such building or buildings as may be necessary for the cemetery purposes, and to paying the necessary expenses of the association; no debts shall be contracted in anticipation of future receipts, except for originally purchasing, laying out, enclosing and embellishing the grounds and avenues, for which a debt or debts may be contracted, not exceeding ten thousand dollars in the whole, to be paid out of future receipts; and such associations shall have power to adopt such rules and regulations as they shall deem expedient for disposing of and for conveying burial lots.

SEC. 6. Burial lots sold by such association shall be for the sole purpose of interments, and shall be subject to the rules prescribed by the association, and shall be exempt from taxation, execution, attachment, or any other claim, lien, or process whatever, if used exclusively for burial purposes, and in no wise with a view to profit.

Exemptions  
from taxation,  
&c.

SEC. 7. All such associations shall cause a plat of their grounds, and of the lots by them laid out, to be made and recorded; such lots to be numbered by regular consecutive numbers; and shall have power to inclose, improve and adorn the grounds and avenues, and to erect buildings for the use of the association, and to prescribe rules for the inclosing and adorning lots, and for erecting monuments in the cemetery, and to prohibit any use, division, improvement, or adornment of a lot which they may deem improper; and an annual exhibit shall be made of the affairs of the association.

Plat of grounds  
to be made, lots  
numbered, &c.

SEC. 8. Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument or gravestone, or other structure placed in any cemetery, or any fence, railing or other work for the protection or ornament of a cemetery or tomb, monument or gravestone or other structure aforesaid, or of any cemetery lot within a cemetery, or shall willfully destroy, cut, break or injure any tree, shrub or plant within the limits of a cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any court of competent jurisdiction, be punished by a fine of not less than five dollars nor more than five hundred dollars, and by imprisonment in the county jail for a term of not less than one nor more than thirty days, according to the nature and aggravation of the offence; and such offender shall also be liable in an action of trespass, in the name of the said association, to pay all such damages as have been occasioned by his unlawful act or acts; which money, when recovered, shall be applied to the reparation and restoration of the property destroyed or injured as above; and in all prosecutions and suits under this act, members of said associations shall be competent witnesses.

Penalty for in-  
juries done to  
tombs, &c.

SEC. 9. Nothing herein contained shall be so construed as to prevent the General Assembly from exercising the right to tax such property at any time hereafter.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To amend an act defining the powers and duties of justices of the peace and constables in civil cases.

#### Preamble.

WHEREAS, the several statutes defining the powers and duties of justices of the peace in civil cases are intended to limit the jurisdiction of justices of the peace generally to their proper township; and whereas, by the act of February seventeen, eighteen hundred and forty-six, such provision is made that holders of notes and other acknowledgements of indebtedness have virtually set aside the intention and meaning of said act, and made the jurisdiction of justices of the peace, in effect, coextensive with their county in civil cases, by procuring accommodation indorsers, or underwriters, for the purpose of procuring jurisdiction contrary to the meaning of said act, thereby inflicting an injury upon the real debtor, by making him party to proceedings in a township other than that in which he lives, and without remedy; therefore, in order that the intention of said act may be carried out in practice,

Remedy for defendants who are not original makers or indorsers.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any person shall be served with a scire facias, as provided in the seventh section of an act passed February seventeen, eighteen hundred and forty-six, entitled "an act to amend the act entitled an act defining the powers and duties of justices of the peace and constables in civil cases," passed March fourteen, eighteen hundred and thirty-one, it shall be competent for such person to prove that none of the original makers nor indorsers thereof reside in the township wherein such suit is commenced or pending, or that the person or persons against whom judgment has been first rendered by such justice, or return of "served" upon the summons made by the constable, are not original makers or indorsers; and if it shall appear to the justice that the person or persons against whom such original judgment was rendered, signed such note, bond or other instrument after the same was

executed and delivered, either for the purpose of negotiating said instrument or for any other purpose, such justice shall render a judgment of nonsuit against the plaintiff or plaintiffs for want of jurisdiction.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To authorize the County Commissioners to appoint Commissioners to lay out and establish free turnpike roads.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That, after the passage of this act, free turnpike roads shall be authorized, and commissioners appointed to lay out and establish the same in the following manner, to wit: when any number of persons, not less than thirty, or if less than thirty, a majority of all landholders immediately interested, shall present a petition to the board of county commissioners at any regular session of their board, asking the appointment of commissioners to lay out and establish a free turnpike road between any points within such county, and shall satisfy such commissioners that public notice has been given, by advertisement, in some newspaper of general circulation in such county, of such intended application, for at least four consecutive weeks preceding such regular meeting, it shall be lawful for said commissioners, to appoint three judicious freeholders of the county, to be commissioners of such free turnpike road, who, by the name fixed by said county commissioners, shall be a body corporate, for the purpose of laying out and establishing a free turnpike road between the points within such county named by the said commissioners; such appointment and points in said road shall be entered upon the minutes of said board of county commissioners, and a certified copy of such entry furnished to such road commissioners on demand: Provided, that when any remonstrance shall be presented against laying out and establishing such road, the commissioners shall refuse to appoint commissioners to lay out and establish such road, unless they shall be satisfied the same is deemed by a majority of the property holders living upon or owning property within two miles of the line of such proposed road, and shall, also, be satisfied that the proposed improvement will be one of general public usefulness.

Conditions upon which free turnpike roads may be obtained.

Three freeholders to be appointed special commissioners; their duty, &c.

SEC. 2. The commissioners so appointed, and their successors, shall have all the powers, and be subject to and governed by the provisions of the "act to provide for the laying out and establishing free turnpike roads," passed March twelfth, eighteen hundred and forty-five.

Roads of adjoining counties may be extended by application to commissioners.

SEC. 3. If application shall be made to the commissioners of any county, for the extension into or through such county, of any free turnpike established in an adjoining county, such extension shall be authorized or prohibited under the same rules and proceedings as are prescribed in the first section of this act, if authorized, the commissioners appointed in such adjoining county be mutually agreed upon by the commissioners of the respective counties interested.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

RECEIVED

#### AN ACT

To amend an act entitled "An act to amend an act entitled 'An act to provide for a uniform standard of Weights and Measures,' passed February 21, 1846," passed February 8, 1847.

Clover seed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever clover seed shall be sold by the bushel, and no special agreement as to the measurement shall be made by the parties, the bushel shall consist of sixty pounds.

SEC. 2. That all parts of laws inconsistent with this act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

## AN ACT

To amend the act entitled "An act to require mortgages or bills of sale of personal property to be deposited with township clerks," passed February 24, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the seventh section of the act entitled "an act to require mortgages or bills of sale of personal property to be deposited with township clerks," passed February twenty-four, eighteen hundred and forty-six, as applies exclusively to the recorder of the county of Hamilton, be and the same is hereby extended to the recorder of the county of Cuyahoga.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

## AN ACT

Making appropriations for the year eighteen hundred and forty-eight.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums be and they are hereby appropriated out of any money in the treasury not otherwise appropriated, to be paid for the year one thousand eight hundred and forty-eight, viz : For 1848.

For payment of the members of the General Assembly, their clerks, assistant clerks, sergeants-at-arms, door keepers and messengers, a sum not exceeding twenty thousand dollars. Members of the Gen'l Assembly, &c.

For payment of postage of the members and clerks, a sum not exceeding five thousand dollars. Postage.

For paying the salaries of the governor, auditor, treasurer, and secretary of state ; the attorney general, fund commissioner, members of the board of public works, librarian, warden, directors and physicians of the penitentiary, secretary of the governor, nine clerks in the auditor's office, two clerks in the treasurer's office, clerk in the secretary of state's office, and secretary to the fund commissioners, a sum not exceeding twenty thousand dollars. Salaries of public officers and their clerks.

For contingent fund of the governor, two thousand dollars. Conting't fund.

For contingent fund of the auditor, fifteen hundred dollars. Same.

For contingent fund of the treasurer, ten hundred dollars. Same.

For contingent fund of the secretary of state, eight hundred dollars. Same.

<b>Salaries of judges.</b>	For payment of the salaries of the judges of the supreme court, president judges of the courts of common pleas, and judges of superior and commercial courts, and a reporter for court in bank, twenty-eight thousand three hundred dollars.
<b>Lunatic asyl'm.</b>	For the Lunatic Asylum, viz: for salaries of the superintendent, assistant physicians and steward, two thousand nine hundred dollars; for provisions, household expenses, clothing, fuel, servants' labor, stationery and medicines, twenty-five thousand dollars; for pavements, cisterns and lightning rods, and for the payment of existing debts, two thousand five hundred dollars.
<b>Deaf &amp; Dumb.</b>	For the Deaf and Dumb Asylum, viz: for salaries of the superintendent, steward, six teachers, matron, and assistants, five thousand six hundred and fifty dollars; for provisions, household expenses, clothing, fuel, servants' labor, and contingent expenses, five thousand eight hundred dollars.
<b>Blind.</b>	For the Institution for the Blind, viz: for salaries of the superintendent, steward, teachers, assistants and artizans, four thousand dollars; for clothing, provisions, furniture, servants, stationery, materials for the work shop, and contingencies, five thousand dollars; for purchase of five acres of ground west of present lot, one thousand six hundred dollars.
<b>Library.</b>	For the State library, six hundred dollars.
<b>Stationery.</b>	For stationery for the State, ten thousand dollars; for stationery purchased by the clerk of the House for the use of the members, in compliance with a resolution of the House, a sum not exceeding four hundred dollars; and for stationery for the use of the Senate, purchased by order of the Senate, a sum not exceeding two hundred dollars.
<b>State printing.</b>	For State printing, a sum not exceeding fourteen thousand dollars.
<b>Laws &amp; journals.</b>	For distribution of the laws and journals, a sum not exceeding eight hundred dollars.
<b>Quartermaster and adj't gen'l's.</b>	For salary and expenses of the quartermaster and adjutant generals, each five hundred dollars.
<b>Public arms.</b>	For repairing, cleaning and taking care of the public arms, a sum not exceeding seven hundred dollars.
<b>Courts martial.</b>	For expenses of courts martial, a sum not exceeding three hundred dollars.
<b>Treasurer's mileage.</b>	For payment of treasurer's mileage, a sum not exceeding one thousand five hundred dollars.
<b>Taxes.</b>	For refunding taxes erroneously collected, a sum not exceeding three thousand five hundred dollars.
<b>Convicts.</b>	For transportation of convicts to the penitentiary, and costs of prosecution, a sum not exceeding ten thousand dollars.
<b>Attorney gen'l.</b>	For expenses of the attorney general, two hundred dollars; for costs taxed to the State, and payment of attorneys' fees in State prosecutions, a sum not exceeding eight hundred dollars.
<b>Wolf scalps.</b>	For payment of bounties on wolf scalps, a sum not exceeding three hundred dollars.

For the purchase of fuel for the legislature and the public Fuel offices, five hundred dollars.

For the payment of claims allowed by the present General Claims Assembly, under special acts and resolutions, a sum not exceeding five thousand dollars.

For payment of engineers on the national road, the sum of one thousand four hundred dollars, to be paid out of the tolls collected thereon ; and the directors of the penitentiary are authorized to pay to the clerk of the penitentiary a sum not exceeding two hundred dollars, in addition to the present salary, for extra services, out of the stone quarry fund. For payment of commissioners appointed by joint resolution of the General Assembly to settle the question of boundary or jurisdiction, or either, between the State of Ohio and Virginia, one thousand dollars.

Engineers and clerk of penitentiary.

SEC. 2. The appropriations herein made are in addition to former unexpended balances: Provided, however, that in no case shall any debt be contracted by any officer or institution named in this act, which cannot be fully met by the appropriation to such officer or institution.

SEC. 3. There shall be assessed for the year one thousand eight hundred and forty-eight, upon the grand levy of the State, in the manner prescribed by the "act for levying taxes on all property in this State according to its true value," and the acts supplementary and amendatory thereto, for general revenue purposes, the sum of one-half of one mill upon the dollar of valuation, and for the common school fund, one-fifth of one mill on the dollar of valuation.

Amount to be assessed.

SEC. 4. The annual compensation of the acting fund commissioner shall be seven hundred dollars ; and of the warden of the penitentiary, ten hundred dollars.

Fund commis'r and warden of penitentiary.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

Ordered, by Resolution of the General Assembly, to be republished with the General Laws of this Session.

#### AN ACT

For the support and better regulation of Common Schools in the town of Akron.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the electors in the town of Akron, in the county of Summit, qualified to vote for members of the town council, shall, at the time and place of holding the annual elec-

Six directors shall be elect'd.

tion for said members of the town council, in the year one thousand eight hundred and forty-seven, meet and elect six directors of the common schools for said town of Akron; two of whom shall serve for one year, two for two years, and two for three years; the order of seniority to be determined, by lot, by such directors, after the election, and annually, thereafter, at the time and place above specified, there shall, in like manner, be two directors elected, who shall serve for three years, and until their successors are elected and qualified. All vacancies which may occur, shall be filled by the town council.

Board of education,  
franchises,  
&c.

SEC. 2. The said directors, within ten days after their first appointment as aforesaid, shall meet and organize by choosing from their number a president, secretary and treasurer; and such treasurer, before he enters on the duties of his said office, shall give bond and security, to be approved by the town council, and filed in the office of the mayor of said town, conditioned for the faithful disbursement of all moneys that shall come into his hands as such treasurer, which bond shall be made payable to the State of Ohio; and when such bond shall be forfeited, it shall be the duty of the town council to sue and collect the same, for the use of the common schools in said town; and the said directors, so organized and qualified, and their successors in office, shall be a body politic and corporate in law, by the name of "the Board of Education of the town of Akron," and as such, and by such name, shall be authorized to receive all moneys accruing to said town or any part thereof, for the use and benefit of the common schools in said town; and the said board shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law or equity in this State; and shall, also, be capable of receiving any gift, grant, donation or devise, made for the use of the common schools in said town; and said board, by resolution, shall direct the payment of all moneys that shall come into the hands of said treasurer; and no money shall be paid out of the treasury, except in pursuance of such resolution, and on the written order of the president, countersigned by the secretary.

Meetings of the  
board.

SEC. 3. That said board shall hold their meetings at such time and place as they may think proper; that any four of said board shall constitute a quorum; that special meetings may be called by the president or by any two members of the board, on giving two days' notice of the time and place of holding such meetings; but at no special meeting, except all the directors be present, shall any resolution in relation to sites for school houses, or financial resolution or order be passed, unless the two days' notice as aforesaid be given, and the subject or subjects to be acted on be specified in the notice, and a quorum of at least four members be present.



SEC. 4. That said board of education shall have the entire management and control of all the common schools in said town of Akron, and of all the houses, lands, and appurtenances already provided and set apart for common school purposes, as well as those hereafter to be provided for the same purposes; and the said town of Akron, from and after the first Tuesday in June next after the passage of this act, shall constitute, in law, but one school district; and all moneys accruing to said district for school purposes under any law of the State, shall be paid over to the treasurer of said board of education.

Shall have control of common schools, &c., in Akron.

SEC. 5. It shall be the duty of said board of education, so soon as they may realize sufficient funds for the purpose, to establish within the bounds of the town corporate of Akron, six or more primary schools, to be located in different parts of the town, so as best to accommodate the inhabitants, in which the rudiments of an English education shall be taught. It shall be the further duty of said board, to establish a central grammar school in said town, where instruction shall be given in "the various studies and parts of study" not provided for in the primary school, and yet requisite to a respectable English education. To each school in this system there shall be gratuitous admission for the children, wards and apprentices of all the residents of the town corporate of Akron, and of such other persons in the immediate vicinity as may own property charged with a school tax in said town corporate of Akron, with the following restrictions, viz: No pupil shall be admitted to the grammar school who fails to sustain a thorough examination in the studies of the primary school; and the teacher shall have power in either school, with the advice and direction of the board of education, to exclude for misconduct, in extreme cases, and to classify the pupils as the best good of the school shall seem to require: Provided, however, that said board of education shall not make any rules which will exclude from said primary schools any scholar, who, by the general laws of this State, would be entitled to admission into the common schools, within said town, and said board shall not so appropriate the school fund, which by the provisions of this act shall come under their control, as to reduce the amount applicable to the support of said primary schools, below the sum to which, under the general laws of this State, the common schools within said town would be entitled.

Number and grade of schools, admission of pupils, &c.

SEC. 6. The said board of education shall have power to make and enforce all necessary rules and regulations for the government of teachers and pupils in said schools, to employ teachers, male and female, and pay them a suitable compensation, to purchase all necessary books and apparatus, to select sites for school houses, and superintend the building of the same upon their own plan, and to pay for the lands, and houses and furniture, as well as other expenses of said school system, from the public moneys in the hands of the treasurer.

Power of board.

Town council  
to levy taxes for  
school purposes.

SEC. 7. The said board of education, within thirty days after their organization, shall report to the town council of Akron the number and description of buildings necessary for the purposes of the common schools in said town, which report shall be in writing, and shall specify the amount of money necessary to be raised to meet the expense of erecting such buildings; and said board shall, also, specify in said report, the amount of money necessary to be raised in addition to the money accruing to said town under the general school laws of the State, to defray all the other expenses of said school system during the current year; and thereupon, the said town council shall proceed to levy a tax sufficient to meet such expenses of buildings and repairing school houses, and the expenses attendant upon the maintenance of said free schools in Akron during the whole year, customary vacations only excepted; said tax to be levied and collected as other taxes of said town are or may be collected. And it shall be the duty of said board, on or before the first Monday in April, in every year thereafter, to make report, in writing, to the town council, of all moneys received, how and for what purpose expended, with the proper vouchers, and such other information in relation to said schools as they may deem important, specifying in said annual report the amount of money necessary to be raised by taxation to defray the expenses of said school system for the current year; and said town council shall, annually, upon the coming in of such report, and within thirty days thereafter, proceed to levy a tax sufficient to meet such expenses, to be levied and collected as other taxes of said town. And the town council shall cause all such reports of the board of education to be published, or so much thereof as they may deem necessary, the reports themselves being left with the mayor of the town, open to public inspection.

Titles to vest in  
council.

SEC. 8. All legal titles to lands and houses, and other property used for common school purposes in said town of Akron, shall vest in the town council of Akron at the taking effect of this act, and all titles acquired thereafter shall be in the name of said town council; and said town council shall have power to sell, lease, and convey any and all of the lands and tenements held under and by virtue of this act, and to purchase other lands and tenements in more eligible positions, by and with the advice of said board of education, but not otherwise.

Examiners,  
their duties &c.

SEC. 9. The town council shall, immediately after the appointment of directors, as hereinbefore provided, appoint three competent persons to serve as school examiners of said town, all of whom shall be citizens of Akron; one to serve till the first Tuesday in June, one thousand eight hundred and forty-eight; one till the first Tuesday in June, one thousand eight hundred and forty-nine, and one till the first Tuesday in June, one thousand eight hundred and fifty, and until their successors are qualified; and annually, at the first regular meeting of the town council, after the annual election for members of that body,

they shall appoint one person for examiner, to serve for three years, and till his successor is qualified ; and the council shall fill all vacancies that may occur by death, removal, or otherwise.

The examiners, or any two of them, shall examine such persons as may apply for that purpose ; and if they find the applicant qualified, they shall give him a certificate, naming the branches he is found qualified to teach, that they have carefully inquired into his character and believe it to be moral and good, and that they believe him well qualified to govern and teach ; they shall, also, in every case where two of their number concur, have power to annul any certificate previously given, and the person holding the same shall be discharged from the public schools in said town ; they shall, also, separately or otherwise, together with such other persons as may be appointed by the mayor, visit said schools at least as often as once in every quarter, observe the discipline, mode of instruction, progress of the scholars, and such other circumstances as they may deem of interest ; and, semi-annually, at such times as the board of education shall [appoint,] they shall report their proceedings to the town council, and, also, to the board of education, with such suggestions as they may think proper, the publication of which shall be in the discretion of the town council.

SEC. 10. Annually, at such time as the board shall appoint, public examinations of all the schools shall be had under the direction of the mayor, council, the board of education, and the examiners. Examinations.

SEC. 11. So much of the general school law, and so much of any and all other laws of this State, general or local, as may be inconsistent with this act, or any of its provisions, is hereby repealed as to said town of Akron. Acts repealed.

SEC. 12. The power conferred upon the board of education of the town of Akron, in the fifth section of this act, is hereby conferred upon the managers of the common schools of the city of Dayton.

SEC. 13. Any future legislature may alter, amend, or repeal this act.

WILLIAM P. CUTLER,  
*Speaker of the House of Representatives.*  
EDSON B. OLDS,  
*Speaker of the Senate.*

February 8, 1847.

## AN ACT

To amend the act entitled "an act for the support and better regulation of Common Schools in the town of Akron," passed February 8, 1847.

**Amount of tax.** SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the amount of tax hereafter to be assessed to defray the expense of the school system, introduced into said town by virtue of the act to which this is an amendment, shall not exceed, in any one year, four mills on the dollar of the taxable property in said town.

**Powers of the board of education.** SEC. 2. The board of education of the town of Akron, shall have full power and authority to determine what branches of education shall be taught in any and all of said schools under their management and control; and said board shall, also, have power, at their discretion, to restrict the right of admission, into any and all of said schools, to the children, wards, and apprentices of actual residents within the limits of the town corporate of Akron; with power to admit scholars from abroad, upon such terms and conditions as said board shall see fit to prescribe.

**Duties of auditor & treasurer.** SEC. 3. That, on or before the first Monday of June, in each year, it shall be the duty of the said board of education to make known to the auditor of the county of Summit, the amount of tax which they may want levied for school purposes during the current year; and thereupon, it shall be the duty of said county auditor to assess the same upon the taxable property in said town of Akron, as the same appears upon the grand list; and the said tax shall be collected by the county treasurer at the same time with the State and county taxes, and in the same manner; and when collected, the amount shall be paid over to the treasurer of said board of education.

SEC. 4. That so much of the act to which this is an amendment as conflicts with the provisions of this act, be and the same is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 28, 1848.

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SECRETARY OF STATE'S OFFICE,  
*Columbus, Ohio, March 22, 1848.*

I hereby certify that the foregoing acts are true copies of the original, on file in this office.

SAM'L GALLOWAY,  
*Secretary of State*

# INDEX TO GENERAL LAWS.

<b>AGRICULTURE.</b>		<b>Page.</b>
Further to amend an act entitled "an act for the encouragement of,"		
passed February 27, 1846 -----		<b>53</b>
<b>APPORTIONMENT.</b>		
To fix and apportion the representation of the General Assembly of		
the State of Ohio -----		<b>57</b>
<b>APPROPRIATIONS.</b>		
For the year eighteen hundred and forty-eight -----		<b>103</b>
For purposes therein named -----		<b>25</b>
<b>ATTORNEY GENERAL.</b>		
To amend the act entitled "an act to create the office of, and to pre-		
scribe his duties " -----		<b>94</b>
<b>BANKS.</b>		
In relation to the State bank of Ohio and other banking companies --		<b>91</b>
To amend the "act supplementary to the act to prevent unauthorized		
banking, and the circulation of unauthorized bank paper -----		<b>79</b>
<b>BILLS OF REVIEW.</b>		
To dispense with the necessity of copying the papers in, and for other		
purposes -----		<b>90</b>
<b>BOARD OF PUBLIC WORKS.</b>		
Limiting the duties of, in relation to claims for damages on navigable		
streams -----		<b>89</b>
<b>CEMETERY ASSOCIATIONS.</b>		
Making provisions for the incorporation of -----		<b>97</b>
<b>CHANCERY.</b>		
In relation to appeals in -----		<b>75</b>
To amend an act directing the mode of proceedings in, passed March		
14, 1831 -----		<b>96</b>
<b>CLERICAL ERROR.</b>		
To correct, in a certain other act -----		<b>65</b>
<b>CONVICT LABOR.</b>		
In relation to -----		<b>76</b>

## COUNTY AUDITORS.

Page.

To amend the act entitled "an act prescribing the duties of"----- 53

## COURTS.

In relation to the terms of the judicial courts-----	21
To repeal an act entitled "an act to authorize the holding of special terms of the court of common pleas within and for the county of Scioto, for criminal and other business-----	23
To amend an act entitled "an act to regulate the practice of the judicial courts," passed March 12, 1845-----	87
To amend the act to regulate the practice of the judicial courts-----	95
To establish the commercial court of Cincinnati-----	17
To establish a superior court in the city of Cleveland-----	21
To create the seventeenth judicial circuit-----	15
To create the eighteenth judicial circuit of Ohio-----	16
Prescribing the times of holding the supreme court for the year 1848, Amending the "act prescribing the times of holding the court of common pleas in the first judicial circuit," passed Feb. 1, 1847-----	5
Fixing the times of holding the court of common pleas for the county of Morrow-----	6
Prescribing the times of holding the court of common pleas of the third judicial circuit-----	6
Prescribing the times of holding the terms of the court of common pleas in the fourth judicial circuit-----	7
Fixing the times of holding the court of common pleas in the fifth judicial circuit-----	8
Fixing the times of holding the court of common pleas in the sixth judicial circuit-----	9
Prescribing the times of holding the court of common pleas in the seventh judicial circuit-----	9
Regulating the times of holding the court of common pleas in the eighth judicial circuit-----	10
Prescribing the times of holding the court of common pleas in the tenth judicial circuit-----	10
Fixing the times of holding the court of common pleas in the eleventh judicial circuit-----	11
Prescribing the times of holding the court of common pleas in the twelfth judicial circuit-----	12
To amend the "act prescribing the times of holding the court of common pleas in the twelfth judicial circuit," passed Feb. 2, 1848---	13
To amend the act fixing the times of holding the terms of the courts of common pleas in the thirteenth judicial circuit, passed February 3, 1847-----	13
Prescribing the times of holding the court of common pleas in the fourteenth judicial circuit, and for other purposes-----	14
Prescribing the times of holding the court of common pleas in the sixteenth judicial circuit-----	15
Fixing the times of holding the court of common pleas in the seventeenth judicial circuit-----	16

## DEEDS AND OTHER INSTRUMENTS OF WRITING.

To amend an act entitled "an to provide for the proof and acknowledgement and recording of," passed February 22, 1831-----	27
--	----

**ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.**

To amend the act entitled an act to provide for the election of, passed February 15, 1820 -----	Page. 64
---	-------------

**FEES.**

Allowing, to county auditors for filing and preserving certain papers, 85	
---	--

**FREE TURNPIKE ROADS.**

To authorize the county commissioners to lay out and establish -----	101
--	-----

**FRUIT AND ORNAMENTAL TREES.**

To amend the act entitled an act to punish the offences of cutting or destroying, and stealing fruit and vegetables in certain counties of this State, passed March 13, 1845 -----	86
--	----

**FUNDED DEBT OF THE STATE.**

To authorize the canal fund commissioners to exchange certain certificates of -----	73
---	----

**ILLEGITIMATE CHILDREN.**

To amend an act entitled "an act for the maintenance and support of," passed February 2, 1824 -----	90
---	----

**INCORPORATIONS FOR MANUFACTURING PURPOSES.**

To amend an act passed February 9, 1846 -----	79
---	----

**INTEREST, RATE OF.**

To amend an act fixing the, passed January 12, 1824 -----	55
---	----

**INTOXICATING LIQUORS.**

To amend the act regulating the sale of, passed Feb. 8, 1847 -----	85
To repeal a part of the act regulating the sale of, and to revive and continue in force a certain repealed act -----	33

**JUSTICES OF THE PEACE AND CONSTABLES.**

To amend an act defining the powers and duties of, in civil cases ---	100
---	-----

**JUDGMENTS AND EXECUTIONS.**

To amend the several acts now in force regulating -----	57
---	----

**JUDGMENTS AND RECOGNIZANCES.**

To extend the provisions of the act passed February 28, 1843, entitled "an act to authorize the court of common pleas to remit, in certain cases, and for other purposes" -----	52
---	----

**LANDS, SCHOOL.**

To enable the inhabitants of the Connecticut Western Reserve to give their consent to the sale of -----	38
---	----

<b>LANDS, CANAL, &amp;c.</b>	<b>Page.</b>
To amend the act to regulate the sale of the Wabash and Erie and Miami and Ohio -----	54
To provide for the sale of, belonging to the State, near the Mercer county reservoir -----	88
<b>LOSSES ARISING ON THE CANALS AND OTHER PUBLIC WORKS OF THE STATE.</b>	
Declaratory of the law in case of -----	65
<b>LOTS, NUMBERING OF.</b>	
Authorizing, in any city, town or borough in this State to be revised, -----	34
<b>MEMBERS OF THE GENERAL ASSEMBLY.</b>	
To repeal certain parts of the act remaining in force entitled "an act to reduce the compensation of, and certain other State and county officers, and for other purposes," passed January 27, 1844, and other acts relating thereto-----	86
<b>MILLS NEAR PUBLIC HIGHWAYS.</b>	
To prevent injuries and accidents occurring from the exposed condition of waterwheels and other machinery attached -----	55
<b>MILITIA.</b>	
To amend an act entitled an act to regulate the, passed March 12, 1844, and amendatory acts thereto, passed February 25, 1845-----	75
<b>MORTGAGES OR BILLS OF SALE OF PERSONAL PROPERTY.</b>	
To amend the act entitled "an act to require, to be deposited with township clerks," passed February 24, 1846 -----	103
<b>NATIONAL ROAD.</b>	
To extend the act for the relief of creditors on the -----	87.
<b>NEW ENTRIES AND NEW STRUCTURES.</b>	
To provide for the assessment of personal property and the valuation of -----	31
<b>OHIO REPORTS.</b>	
To amend the act to provide for the printing of the-----	66
<b>PENITENTIARY, OHIO.</b>	
To fix the compensation of the guards of, and to repeal a portion of an act conflicting with the same -----	49
<b>PEDDLERS.</b>	
To amend the act entitled "an act granting licenses to, and repealing former laws," passed February 28, 1846 -----	36
<b>PRACTICE ACT</b>	
To amend section 105 of the, passed March 8, 1831-----	27



**PROCESS IN LOCAL ACTIONS.**

To provide for the service of -----	Page 32
-------------------------------------	------------

**PUBLIC DEBT OF OHIO.**

To provide for the extinguishment of -----	72
--	----

**RELIGIOUS SOCIETIES.**

To amend an act entitled an act to provide for the appointment of trustees for the control of, and to define their powers and duties, passed March 12, 1844 -----	56
---	----

**RAILROADS.**

Regulating railroad companies -----	40
To amend the act entitled an act for the protection of, passed March 20, 1840 -----	26

**SCHOOLS, COMMON.**

To amend the act entitled "an act for the support and better regulation of, and to create permanently the office of superintendent," passed March 7, 1838, and the acts amendatory thereto -----	63
To secure the returns of the statistics of -----	23
To provide for extending the provisions of an act for the support and better regulation of, in the town of Akron, &c., to the cities and incorporated towns of this State -----	48
For the support and better regulation of, in the town of Akron -----	106
To amend the act, &c., for the better regulation of, in the town of Akron, passed February 8, 1848 -----	110
To provide for the establishment of, for the education of the children of black and mulatto persons, and to amend the act, &c., for the support and better regulation of, and to create permanently the office of superintendent, passed March 7, 1838, and the acts amendatory thereto -----	81
To amend the eighteenth section of the school law passed March 7, 1838 -----	51

**STATE HOUSE, NEW.**

To provide for the employment of convict labor upon the -----	88
---	----

**STATE ROADS.**

Supplementary to the act, &c., to authorize the county commissioners of this State lay out and establish -----	94
--	----

**STEAMBOATS AND OTHER WATER CRAFTS.**

Explanatory of the act providing for the collection of claims against, and authorizing proceedings against, by name, passed February 26, 1840 -----	78
---	----

**SUPERVISORS OF ROADS.**

To require, to make temporary repairs to bridges over the canals of this State -----	26
Authorizing, to apply labor upon roads located on State lines -----	49

<b>TAXES.</b>	<b>Page.</b>
Further to amend the act for levying, on all property in this State according to its true value, passed March 2, 1846 -----	69
<b>TEACHERS' INSTITUTES.</b>	
To amend an act to encourage, and to extend the provisions of the acts providing for teachers' institutes and county superintendents to the several counties of this State -----	86
<b>TELEGRAPH COMPANIES.</b>	
To extend the provisions of the act relative to incorporations for manufacturing and other purposes to -----	25
<b>TOWNSHIP ROADS.</b>	
To authorize the trustees of any township in this State to make alterations in -----	40
To amend an act to provide for laying out and opening -----	33
<b>TOWN HALLS.</b>	
To authorize the erection of -----	76
<b>VIRGINIA MILITARY DISTRICT.</b>	
To authorize copies of entries and surveys to be made in the -----	50
<b>WEIGHTS AND MEASURES.</b>	
To amend the "act to provide for a uniform standard of," passed February 21, 1846 -----	77
To amend an act entitled "an act to amend an act entitled an act to provide for a uniform standard of, passed February 21, 1846," passed February 8, 1847 -----	102
To establish the standard measure of stone coal, coke and unslacked lime -----	47
<b>WILLS.</b>	
To amend the act relating to, passed March 23, 1840 -----	66

# TITLES OF THE ACTS OF A LOCAL NATURE,

## PASSED BY THE FORTY-SIXTH GENERAL ASSEMBLY,

TOGETHER WITH THE DATE OF THEIR PASSAGE.

### BRIDGE COMPANIES.

	Page.
To authorize the president and directors of the Miami Bridge Company to subscribe stock to the Hanover, Stillwell and Rossville Turnpike Company, passed January 28, 1848-----	34
To amend the "act to incorporate the Maumee and Perrysburg Toll Bridge Company," passed March 12, 1838, passed January 20, 1848-----	23
To authorize the construction of a tollbridge over the Great Miami, near Carrollton, Montgomery county, Ohio, passed February 8, 1848,	105
To amend the act entitled "an act to incorporate the East Fork Road and Bridge Company, passed February 8, 1848-----	103
To incorporate the Portsmouth Bridge Company, in Scioto county, passed February 18, 1848-----	160
To incorporate the Campaign Toll Bridge Company, passed February 14, 1848-----	183
To incorporate the Dresden Bridge Company, passed February 14, 1848-----	123
To authorize the Gallia, Jackson and Chillicothe Turnpike Company to erect a tollbridge across Raccoon creek, passed February 14, 1848,	137
To incorporate certain tollbridge companies in the town of Gallia, passed February 14, 1848-----	141

### CITIES AND TOWNS.

To amend the act entitled "an act to incorporate the town of Akron, in the county of Portage," passed March 12, 1836, passed February 2, 1848-----	62
To change the name of the town of New Hope, in the county of Preble, to that of Upshur, and to incorporate the same, passed January 29, 1848-----	50
To amend an act entitled "an act to incorporate the town of Washington, in the county of Guernsey," passed March 5, 1839, and the act amendatory thereto, passed March 5, 1844, passed January 29, 1848-----	52
To authorize the town council of the town of Greenville, in Darke county, to subscribe to the capital stock of the Greenville and Miami Railroad Company, passed February 2, 1848-----	55
To amend the act entitled "an act to incorporate the town of Cuyahoga Falls, in the county of Portage," passed March 5, 1836, passed February 2, 1848-----	56
To amend an act to incorporate the town of Marietta, passed March 15, 1837, passed January 28, 1848-----	41

## CITIES AND TOWNS—Continued.

	Page.
To repeal an act entitled "an act to incorporate the town of Patriot, in the county of Gallia," passed March 12, 1839, passed January 29, 1848 -----	47
To amend an act entitled "an act to incorporate the town of Oberlin, in the county of Lorain, passed February 17, 1846, passed January 28, 1848 -----	34
To authorize the president and common council of the town of Portsmouth to levy a tax for school and other purposes, passed January 28, 1848 -----	37
To incorporate the town of Port William, in the county of Clinton, passed January 20, 1848 -----	25
To extend the corporate limits of the town of Bellbrook, in Greene county, passed January 25, 1848 -----	29
To amend an act entitled "an act to incorporate the city of Columbus, in the State of Ohio," passed December 28, 1847 -----	4
To incorporate the town of West Elkton, in the county of Preble, passed January 29, 1848 -----	47
To incorporate the town of Deerfield, in the county of Warren, passed December 28, 1847 -----	7
To amend the act entitled "an act to incorporate the city of Columbus, in the State of Ohio," passed January 11, 1848 -----	21
To exempt the corporation of the town of Springfield, Clark county, from the operation of the 27th section of the act entitled "an act to amend an act for levyieg taxes on all property in this State according to its true value, passed March 2, 1846," passed February 8, 1847, passed December 28, 1847 -----	7
To incorporate the town of New Petersburg, in the county of Highland, passed February 4, 1848 -----	71
To amend an act entitled "an act to incorporate the town of Westville," passed February 9, 1836, passed February 8, 1848 -----	114
To amend the act to incorporate town of Wooster, in the county of Wayne, passed January 24, 1821, passed February 8, 1848 -----	100
To extend the corporate limits of the town of Bloomingburg, in the county of Fayette, passed February 8, 1848 -----	102
To incorporate the town of Franklin, in the county of Warren, and to repeal all laws heretofore enacted on that subject, passed February 8, 1848 -----	109
To authorize the supervisor of the town of Bainbridge to lay out a part of the road tax on roads leading from said town, passed February 18, 1848 -----	163
To amend the charter of the city of Cleveland, and the several acts amendatory thereto, passed February 18, 1848 -----	153
To authorize the town council of the town of Troy, in Miami county, to borrow money for purposes therein specified, passed February 18, 1848 -----	160
Authorizing the mayor of the town of Greenville, to execute a release for a certain lot in said town, passed February 18, 1848 -----	154
To amend the act entitled an act to incorporate the town of New Richmond and Susanna, in the county of Clermont, passed February 21, 1848 -----	218
To incorporate certain towns therein named, passed February 18, 1848 -----	181
To amend an act to incorporate the town of Wilmington, in the county of Clinton, passed January 16, 1826, passed February 22, 1848, 230	230

CITIES AND TOWNS—*Continued.*

	Page.
To extend the corporate limits of the town of New Westville, passed February 4, 1848 -----	77
To amend an act entitled an act to incorporate the town of Ripley, in the county of Brown, passed February 4, 1826, passed February 14, 1848 -----	120
To extend the corporate limits of the town of Lima, in the county of Allen, passed February 14, 1848 -----	128
To amend the act entitled an act to incorporate the town of Logan, in the county of Hocking, passed March 5, 1837, passed February 14, 1848 -----	125
To amend the act incorporating the town of Troy, in the county of Miami, passed March 7, 1842, and to repeal certain sections of an act amendatory thereto, passed February 26, 1846, passed February 18, 1848 -----	175
To incorporate the town of Gilboa, in the county of Putnam, passed February 18, 1848 -----	167
To extend the corporate limits of the town of Xenia, in Greene county, passed February 18, 1848 -----	170
To incorporate certain towns therein named, passed February 18, 1848 -----	169
To incorporate the town of Hillsboro', in the county of Highland, passed February 18, 1848 -----	167
To amend the act to incorporate and establish the city of Dayton, passed February 19, 1848 -----	207
To amend the act entitled an act to incorporate the town of Clinton, in the county of Huron, passed February 7, 1848 -----	89
To incorporate the town of Vandalia, in the county of Montgomery, passed February 7, 1848 -----	89
To amend the act to incorporate the town of Salineville, in the county of Columbiana, passed February 5, 1848 -----	82
To extend to the town of Ripley, in the county of Brown, the operation of an act to encourage the organization of fire companies, and to repeal other acts, passed February 8, 1847, passed February 7, 1848 -----	85
To incorporate Maumee city, in the county of Lucas, passed February 24, 1848 -----	246
To authorize the city council of Cincinnati to erect a market house, &c., passed February 24, 1848 -----	252
To regulate the sale of intoxicating liquors in the town of Cuyahoga Falls, passed February 25, 1848 -----	269

## COUNTIES AND COUNTY COMMISSIONERS.

To repeal that part of the act entitled an act to authorize Marion and other counties therein named, to subscribe to the capital stock of certain companies, to make public improvements, which relates to Delaware county, passed January 28, 1848 -----	39
To extend to the counties of Franklin and Madison, the provisions of an act passed January 29, 1847, passed January 11, 1848 -----	19
To change a portion of the boundary line between the counties of Stark and Tuscarawas, passed February 4, 1848 -----	79
To erect the county of Auglaize, passed February 14, 1848 -----	128
To authorize the commissioners of Ashland and Richland counties to contract for the admission of the paupers of Ashland county in the poor house of Richland county, passed January 29, 1848 -----	53

COUNTIES AND COUNTY COMMISSIONERS — *Continued.*

	Page.
To authorize the commissioners of Summit county to levy a tax for bridge purposes, passed January 11, 1848-----	19
To amend an act entitled an act to give the commissioners of Clark county, jurisdiction, for certain purposes, over a portion of the unfinished part of the National Road west of Springfield, passed January 14, 1847, passed January 11, 1848-----	22
To authorize the commissioners of Washington county to borrow money, passed December 28, 1847-----	5
Authorizing the commissioners of Darke county to subscribe to the capital stock of the Greenville and Miami Railroad Company, passed January 5, 1848-----	10
Authorizing the commissioners of Pickaway county to sell lot No. 28, in Olds, Huston & Co.'s first addition to the town of Circleville, passed January 11, 1848-----	16
To authorize the commissioners of Putnam county to equalize the road taxes belonging to certain free turnpike roads, passed February 8, 1848-----	92
To authorize the county commissioners of Coshocton and other counties to subscribe to the capital stock of railroad companies, passed February 18, 1848-----	191
To authorize Muskingum county and the town of Zanesville, to subscribe to the capital stock of the Central Ohio Railroad, passed February 18, 1848-----	165
To amend the act to authorize the county commissioners of Hancock county to subscribe to the stock of the Lake Erie and Mad River Railroad, passed February 14, 1848-----	145
To regulate the levying of a tax for road purposes in the county of Belmont, and the time and manner of working out said tax, passed February 8, 1848-----	103
To amend the act to authorize the county commissioners of Hancock county to subscribe to the stock of the Lake Erie and Mad River Railroad, passed February 14, 1848-----	145
Authorizing the commissioners of Henry county to restore certain free turnpike roads in said county, and to authorize commissioners to lay out and establish a State road in the counties of Lawrence and Scioto, and for other purposes, passed February 18, 1848-----	189
To authorize the commissioners of Cuyahoga county to levy a discriminating tax for the establishment and support of a poor house in said county, passed February 19, 1848-----	210
To authorize the commissioners of Perry county to locate roads, and for other purposes, passed February 24, 1848-----	245
To erect the county of Morrow, passed February 24, 1848-----	233
Relating to the duties and powers of the county commissioners of Hamilton county, passed February 24, 1848-----	266
To give certain powers to the commissioners of Hamilton county, with reference to the Montgomery and Cincinnati road, passed February 25, 1848-----	274
To authorize the commissioners of Fairfield county to subscribe stock in a railroad, passed February 24, 1848-----	254

## HYDRAULIC COMPANIES.

To incorporate the Martinsville Hydraulic Company, in Belmont county, passed February 19, 1848-----	212
---	-----

**HYDRAULIC COMPANIES—Continued.**

To incorporate the Waynesville Hydraulic Company, passed February 18, 1848 -----	157
To incorporate the Spring Valley Hydraulic Company, passed January 25, 1848 -----	27

**INDIVIDUALS.**

Creating Tabitha Cuma Catharine Cotton the legal heir and representative of John and Lucy Parker, and to legitimate Catharine, wife of Daniel B. Morey, of Huron county, passed February 4, 1848 -----	66
To authorize the commissioners of Clark county to release Samuel Black from a recognizance therein named, passed January 11, 1848, -----	18
For the relief of Thomas Trimble, passed February 14, 1848 -----	136
To appoint Albert Morley trustee of Laura Calkins, passed February 19, 1848 -----	205

**INSURANCE COMPANIES.**

To incorporate the Union Fire Insurance Company of Cincinnati, passed February 21, 1848 -----	215
To incorporate the Farmers' Mutual Fire Insurance Company of Medina county, passed February 8, 1848 -----	95
To amend an act entitled "an act to incorporate the Montgomery County Mutual Fire Insurance Company," passed February 3, 1844, passed January 11, 1848 -----	17
Further to amend the act entitled "an act to incorporate the Stark County Mutual Insurance Company," passed March 29, 1837, passed January 25, 1848 -----	29
To incorporate the Toledo Fire and Marine Insurance Company, passed February 2, 1848 -----	57

**LITERARY INSTITUTIONS, ETC.**

To incorporate the Richland Academic Institute, in Logan county, passed February 14, 1848 -----	126
To incorporate the Xenia Academy, passed February 11, 1848 -----	114
To incorporate the Newtown College, in Hamilton county, passed February 19, 1848 -----	241
To amend the act entitled "an act further to amend the several acts establishing the Miami University," passed February 19, 1819, passed February 7, 1848 -----	68
To incorporate the Felicity Female Seminary, in Clermont county, passed February 14, 1848 -----	135
To incorporate the Western Art Union, passed February 23, 1848 -----	228
To incorporate the Edinburgh College, passed February 21, 1848 -----	220
To incorporate the Medina Academy, Medina county, passed February 18, 1848 -----	168
To incorporate the Cleveland Library Association, passed February 18, 1848 -----	149
To incorporate R. M. Bartlett's Commercial College, Cincinnati, passed January 7, 1848 -----	12
To change the name of the Richmond Classical Institute of Jefferson county, passed December 28, 1848 -----	7
To incorporate Gundry & Bacon's Cincinnati Mercantile College, passed January 11, 1848 -----	21

LITERARY INSTITUTIONS, ETC.—*Continued.*

	Page
To incorporate the Board of Directors of Muhlenburg College, at the town of Jefferson, in Harrison county, passed January 11, 1848 --	19
To incorporate the Starling Medical College, in the city of Columbus, passed January 28, 1848 -----	31
To amend the "act incorporating the Cincinnati Classical Academy," passed January 29, 1848 -----	46

## MISCELLANEOUS.

To provide for the sale of certain lands therein named, passed February 18, 1848 -----	147
To incorporate the Dayton Gaslight and Coke Company, passed February 4, 1848 -----	78
To incorporate the Medical and Surgical Society of the county of Ashland, passed February 4, 1848 -----	76
To incorporate the Raccoon Navigation Company, passed February 4, 1848 -----	73
To incorporate the Lafayette Fire Engine Company, No. 2, in Mt. Vernon, Ohio, passed January 28, 1848 -----	39
To incorporate the Chillicothe German Fire Company in Ross county, passed February 18, 1848 -----	148
To incorporate the American Christian Bible Society, passed February 7, 1848 -----	87
To incorporate the German United Evangelical Synod of America, passed February 18, 1848 -----	180
To incorporate the Scioto Manufacturing Company, passed February 2, 1848 -----	64
Further to amend the act incorporating the Milan Canal Company, passed January 29, 1848 -----	46
To revive and continue in force the provisions of an act entitled "an act to amend an act to incorporate the Portsmouth Drydock and Steamboat Basin Company," passed February 14, 1846, passed January 29, 1848 -----	50
To authorize the trustees of the Methodist Episcopal Church of Plymouth, New Haven township, Huron county, to sell the parsonage property of said church, and for other purposes, passed February 21, 1848 -----	220
To repeal a portion of the act entitled an act regulating the navigation of Muskingum river and its branches, passed February 9, 1813, passed January 11, 1848 -----	22
To incorporate the Black River Navigation Company, passed February 19, 1848 -----	195
To incorporate the Akron Cold Spring Company, passed January 20, 1848 -----	23
For the relief of the land commissioners of Knox county, passed December 28, 1847 -----	3
To incorporate the proprietors of the Burnethouse, Cincinnati, passed January 4, 1848 -----	8
To extend the act for the appointment of commissioners of sewers, passed March 26, 1841, to the counties of Scioto and Preble, passed January 5, 1848 -----	10
To amend an act entitled an "act to authorize the sale and conveyance of certain lots in Mansfield, in Richland county," passed February 5, 1847, passed January 5, 1848 -----	11
To repeal the act entitled "an act to prevent intemperance in Medina, Huron and Erie counties," passed January 28, 1848 -----	35



**MISCELLANEOUS—Continued.**

	Page.
To incorporate the Chippeway Cemetery Association of Lafayette township, Medina county, and the Port Washington Cemetery Association in Salem township, Tuscarawas county, passed January 11, 1848 -----	14
To amend the act providing for the appointment of commissioners of sewers in certain counties in this State, passed February 8, 1848-----	100
Relating to the special road district of Millcreek township, Hamilton county, passed February 18, 1848 -----	146
To incorporate the State Medical Society, passed February 22, 1848, -----	231
To authorize the trustees of townships in certain counties to levy an additional road tax, passed February 22, 1848 -----	226
To amend an act entitled "an act to establish grades and enforce the paving and McAdamizing of streets, roads, lanes and alleys in the southern precinct of Millcreek township, Hamilton county, Ohio, passed March 6, 1844, and to amend the several acts heretofore passed amendatory thereto, passed February 22, 1848 -----	232
To amend an act entitled "an act to dispose of two escheated lots in the town of Mansfield, Richland county," passed February 8, 1847, passed February 22, 1848 -----	232
To amend the act entitled "an act to prevent nuisances in the county of Pike," passed February 14, 1848 -----	132
To amend the act entitled "an act to incorporate the Mechanics' Saving Fund Society of Steubenville," passed February 8, 1834, passed February 11, 1848 -----	115
To repeal a certain act therein named, passed February 14, 1848 ---	126
To incorporate the Xenia Water Company, passed February 14, 1848, -----	138
To incorporate the Fairfield County Savings Institute, at Lancaster, passed February 24, 1848 -----	248
To amend the act entitled "an act providing for the inspection of sawed lumber and shingles in Hamilton county," passed February 8, 1847, passed February 24, 1848-----	250
To authorize the trustees of township in Auglaize county to levy an additional road tax, passed February 24, 1848-----	247
To quiet the title of the northeast quarter of section twenty-five, in township three, north, of range three, east, in the county of Paulding, passed February 24, 1848-----	265
To repeal the act to enlarge the corporate limits of the town of Zanesville; also, to repeal the act to incorporate the Lutheran and German Reformed Church and Society of New Rumley, in the county of Harrison; and to authorize the city of Toledo to levy a tax for the construction of sewers, passed February 25, 1848-----	270
To provide for laying an additional road tax in Lafayette township, Medina county, passed February 24, 1848-----	245

**PLANK ROADS.**

To incorporate the Center Plank Road Company, passed February 19, 1848 -----	209
To incorporate the Toledo and Woodville Plank Road Company, passed February 11, 1848 -----	117
To incorporate the Tiffin and Findlay Plank Road Company, passed February 24, 1848-----	263
To incorporate the Chagrin Falls and Cleveland Plank Road Company, and for other purposes, passed February 18, 1848 -----	152

**PLANK ROADS—Continued.**

	Page.
Further to amend the act entitled "an act to incorporate the Milan and Richland Plank Road Company," passed January 23, 1845, passed February 18, 1848 -----	156
To incorporate the Lorain Plank Road Company, passed January 28, 1848 -----	36
To incorporate the Toledo Plank Road Company, passed January 28, 1848 -----	42
To incorporate the Crawford, Seneca, and Erie and Monroeville Plank Road Company, passed January 27, 1848 -----	48

**RAILROADS.**

To increase the capital stock of the Mad River and Lake Erie Railroad Company, passed December 27, 1847 -----	3
To amend an act entitled "an act to incorporate the Wilmington and Tods Fork Railroad Company," passed January 5, 1848 -----	11
To amend the act incorporating the Cleveland, Columbus and Cincinnati Railroad Company, and for other purposes, passed February 8, 1848 -----	93
To incorporate the Lancaster Railroad Company, passed February 18, 1848 -----	179
To incorporate the Delaware and Kenton Railroad and Slackwater Company, passed February 18, 1848 -----	154
To incorporate the Central Valley Railroad Company, passed February 18, 1848 -----	179
To incorporate the Wellsville, Millersburg and Mount Vernon Railroad Company, passed February 18, 1848 -----	178
To incorporate the Cleveland, Painesville and Ashtabula Railroad Company, passed February 18, 1848 -----	184
To incorporate the Kalida and Miami Extension Canal Railroad, passed February 18, 1848 -----	177
To incorporate the Cleveland and Mahoning Railroad Company, passed February 22, 1848 -----	227
To authorize the Columbus and Xenia Railroad Company to construct a branch railroad to Delaware, passed February 4, 1848 -----	79
To amend an act entitled "an act to incorporate the Dayton and Deerfield Railroad Company," passed February 6, 1847, passed February 14, 1848 -----	131
To amend the act to incorporate the Columbus and Xenia Railroad Company, passed March 12, 1844, and the acts amendatory thereto, passed February 14, 1848 -----	140
To incorporate the Akron and Pittsburgh Railroad Company, passed February 24, 1848 -----	257
To incorporate the Sunfish, Mills Creek and Muskingum Railroad Company, passed February 19, 1848 -----	204
To authorize an increase of the capital stock of the Mansfield and Sandusky City Railroad Company, passed February 19, 1848 -----	193
To incorporate the Great Western Railroad Company, passed February 24, 1848 -----	235
To incorporate the Xenia, Eaton and Indiana Railroad Company, passed February 24, 1848 -----	251
To amend the act entitled an act to incorporate the Columbus and Pittsburgh Railroad Company, passed March 2, 1846, passed February 24, 1848 -----	233

**RAILROADS—Continued.**

	Page.
To incorporate the Ohio and Pennsylvania Railroad Company, passed February 24, 1848 -----	261
To incorporate the Steubenville and Indiana Railroad Company, passed February 24, 1848 -----	256
To amend the charter of the Little Miami Railroad Company, passed February 24, 1848 -----	262
To amend the act entitled an act to incorporate the Springfield and Columbus Railroad Company, passed March 2, 1846, passed February 24, 1848 -----	259
To incorporate the Bellefontaine and Indiana Railroad Company, passed February 25, 1848 -----	275
To incorporate the Dorr's Run Lateral Canal and Railroad Company in Athens county, passed February 24, 1848 -----	258

**STATE ROADS.**

For the improvement and repair of the Cincinnati and Carthage road, and for other purposes, passed February 4, 1848 -----	67
To lay out and establish a graded State road in the counties of Stark and Carroll, passed February 2, 1848 -----	63
To lay out and establish a graded State road in the counties of Tuscarawas and Carroll, passed January 28, 1848 -----	36
To lay out and establish a graded State road in the counties of Meigs, Gallia and Jackson, passed January 28, 1848 -----	38
To lay out and construct a graded State road from Middletown, in Jackson county, to Vinton, in Gallia county, passed January 22, 1848 -----	25
To lay out and establish a graded State road from David Downer's, in Guernsey county, to the town of Freeport, in Harrison county, passed January 11, 1848 -----	17
To appoint commissioners to lay out and establish a graded State road in the counties of Putnam and Henry, passed February 8, 1848 -----	102
To establish a State road in the counties of Preble and Montgomery, passed February 8, 1848 -----	14
To vacate part of the State road leading from Coshocton to Mount Vernon, passed February 18, 1848 -----	148
To amend an act entitled an act to lay out and establish a graded State road from Leesburgh, in Carroll county, to Zoar, in Tuscarawas county, passed January 5, 1847, passed February 22, 1848, -----	229
To authorize the commissioners of Washington county to establish a certain road therein named, passed February 14, 1848 -----	120
To lay out and establish a graded State road in the counties of Gallia and Jackson, passed February 18, 1848 -----	174
To establish a graded State road in the counties of Gallia, Meigs and Athens, passed February 18, 1848 -----	173
To lay out and establish a State road from Bellefontaine to St. Marys, passed February 5, 1848 -----	84

**SCHOOLS, SCHOOL LANDS, ETC.**

To authorize the trustees of Wayne township, Muskingum county, to sell the northwest quarter of section 8, township 3, of range 5, and the southwest quarter of section 8, of township 3, range 5, belonging to the original surveyed township 12, of range 13, passed January 28, 1848 -----	33
---	----

SCHOOLS, SCHOOL LANDS, ETC.—*Continued.*

	Page.
To authorize the sale of school section 16, in St. Marys township, Mercer county, passed January 29, 1848 -----	49
To amend the act for the support and better regulation of the public schools in the town of Zanesville, passed March 12, 1839, passed February 2, 1848 -----	54
To amend the act entitled "an act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847, passed January 28, 1848 -----	40
To authorize the sale of school lands in Brown township, Paulding county, passed January 29, 1848 -----	48
To authorize the sale of school section sixteen, in township four, and range nineteen, in Bloom township, Scioto county, passed January 28, 1848 -----	35
To revise an act entitled "an act to authorize the sale of school section sixteen, in Rutland township, Meigs county," passed March 12, 1844, passed January 28, 1848 -----	37
To authorize the sale of school section sixteen, in Auglaize township, Allen county, passed January 28, 1848 -----	38
To repeal the act entitled "an act for the support and better regulation of common schools in school district number one, in Ravenna, and for other purposes," passed January 29, 1848 -----	51
To authorize the sale of the north half of section sixteen, in Crawford township, Wyandott county, Ohio, passed January 22, 1848 -----	27
To amend an act entitled "an act for the support and better regulation of common schools in the city of Columbus," passed February 3, 1845, passed February 24, 1848 -----	259
For the support and better regulation of Common schools in the Lebanon school district, in Warren county, passed February 24, 1848, -----	237
To authorize the sale of the southeast quarter of section thirty-three, and the southwest quarter of section thirty-five, township number five, south, of range number four, Mercer county, passed February 25, 1848 -----	274
To revive and create permanently the office of treasurer in original township number one, in the county of Hamilton, and for other purposes, and to give additional powers to the trustees of school section in Green township, Hamilton county, and to authorize the sale of said section, passed February 24, 1848 -----	241
To authorize the sale of certain school lots in Xenia township, Greene county, and in Jackson township, Pike county, passed December 28, 1847 -----	8
To levy a tax upon the town of Lancaster to pay the indebtedness of Lancaster school district number one, in Hocking township, Fairfield county, passed December 28, 1847 -----	5
To authorize the sale of certain school lands in Richland county, belonging to fractional townships in Knox county, passed February 8, 1848 -----	91
To authorize the sale of school section sixteen, in Loudon township, Seneca county, Ohio, passed February 8, 1848 -----	92
To authorize the sale of school section sixteen, in original township two, south, of range fifteen, east, formerly in the county of Crawford, but now partly of the county of Crawford and partly in the county of Wyandott, passed February 8, 1848 -----	92
To authorize the sale of the unsold part of school section sixteen, in Perry township, in the county of Montgomery, passed February 8, 1848 -----	91

SCHOOLS, SCHOOL LANDS, ETC.—*Continued.*

	Page.
To authorize the sale of school section sixteen, in Crane township, Wyandott county, Ohio, passed January 20, 1848-----	24
To amend the act entitled "an act authorizing the sale of section sixteen, in Townsend township, Sandusky county," passed February 8, 1848-----	102
Further to enable the Knoxville School Company, in Jefferson county, to close the concerns of said company, passed February 8, 1848--	107
For the support and better regulation of common schools in the town of Lithopolis, Fairfield county, passed February 18, 1848-----	185
To authorize the directors of school district number three, in Moorefield township, Harrison county, to sell a certain school lot, and for other purposes, passed February 18, 1848-----	150
For the better regulation and support of schools in the city of Cleveland, and for other purposes, passed February 18, 1848-----	151
To authorize the sale of section sixteen, Harris township, Ottawa county, passed February 18, 1848-----	162
To authorize the holders of certain imperfect leases of ministerial section number twenty-nine, township four, range twelve, Meigs county, to surrender said leases under the "act to regulate the sales of ministerial and school lands, and the surrender of permanent leases thereto," passed February 2, 1843, passed February 18, 1848---	172
To authorize the directors of school district number six, in Jefferson township, Madison county, to sell a certain school lot, passed February 18, 1848-----	157
To provide for the surrender of leases of Virginia Military School Lands, in Ashland county, passed February 18, 1848-----	164
To authorize the directors of school district number three, in Montgomery township, Ashland county, to sell the school house and lot of said district, passed February 18, 1848-----	190
To authorize the sale of section sixteen, in Fox township, Carroll county, passed February 18, 1848-----	188
To authorize the sale of school section sixteen, in Richfield township, Lucas county, passed February 21, 1848-----	219
To authorize the sale of school section sixteen, in original surveyed township number three, of range six, east, in Montgomery county, passed February 4, 1848-----	80
To incorporate school district number one, in Perry township, Stark county, passed February 21, 1848-----	223
No authorize the sale of the unsold part of school section sixteen, in Manchester township, Morgan county, passed February 14, 1848-	137
To amend the "act to provide for the valuation and sale of a certain tract of school land in Stark county," passed February 8, 1847, passed February 14, 1848-----	139
To authorize the sale of section sixteen, township seven, range six, in Shelby county, passed February 14, 1848-----	140
For the relief of school district number one, in Circleville township, Pickaway county, and school district number four, in Clear Creek township, Ashland county, passed February 14, 1848-----	139
To authorize the directors of school district number two, in Gratis township, Preble county, to sell a certain school lot, passed February 18, 1848-----	176
For the support and better regulation of common schools in the town of Lancaster, Ohio, passed February 19, 1848-----	199
To provide for the erection of school houses in the town of Springfield, Clark county, passed February 7, 1848-----	85

## SCHOOLS, SCHOOL LANDS, ETC.—Continued.

	Page.
To authorize the sale of section sixteen, in Washington township, Defiance county, passed February 14, 1848 -----	144
To provide for the surrender of leases of Virginia Military School Lands in Ashland county, passed February 14, 1848 -----	145
To authorize the sale of school section number fifteen, in township number three, of range four, in German township, Montgomery county, passed February 14, 1848 -----	141
To authorize the sale of a part of school section sixteen, in Newton township, Muskingum county, passed February 14, 1848 -----	134
To authorize the sale of section sixteen in Crane township, Paulding county, passed February 19, 1848 -----	207
To provide for the sale of section sixteen, in Jefferson township, Williams county, passed February 7, 1848 -----	85

## TURNPIKE ROADS.

To incorporate the Ithaca and Euphemia Turnpike Road Company, passed February 4, 1848 -----	71
To incorporate the Hanover and Reily Turnpike Road Company, passed February 2, 1848 -----	57
To incorporate the Clark and Union Turnpike Company, passed February 2, 1848 -----	61
To incorporate the Milton and Darke county Turnpike Company, passed January 20, 1848 -----	51
To amend the act entitled an act to incorporate the Troy and Stillwater Turnpike Company, passed March 7, 1842, passed January 22, 1848 -----	26
To incorporate the Troy and Newton Turnpike Road Company, passed January 25, 1848 -----	30
To amend the act entitled an act to incorporate the Clark and Miami Turnpike Company, passed February 5, 1847, passed January 25, 1848 -----	31
To incorporate the Bellbrook and Spring Valley Turnpike Road Company, passed December 28, 1847 -----	6
To incorporate the Eaton, Castine, and Greenville Turnpike Road Company, passed February 8, 1848 -----	94
To incorporate the Union and Greenville Turnpike Road Company, passed February 8, 1848 -----	111
To incorporate the Phillipsburg Turnpike Road Company, in Montgomery county, passed February 8, 1848 -----	90
To lay out and incorporate the Clevestown and Bridgetown Turnpike Road Company, passed February 21, 1848 -----	222
To incorporate the Columbus and Marysville Turnpike Company, passed February 21, 1848 -----	213
To incorporate the Springfield and South Charleston Turnpike Company, and for other purposes, passed February 4, 1848 -----	72
To incorporate the Circleville and the Port William, New Burlington and Adelphi Turnpike Road Company, passed February 25, 1848, -----	272
In relation to the Urbana, Troy and Greenville Turnpike Road Company, passed February 4, 1848 -----	193
To incorporate the Butler and Warren Turnpike Road Company, passed February 24, 1848 -----	247
To incorporate the Ross County Turnpike Company, passed February 19, 1848 -----	204

TURNPIKE ROADS — *Continued.*

	Page.
To incorporate the Higginsport and Russelville Turnpike Company, passed February 14, 1848 -----	125
To incorporate the Paintersville and Spring Valley Turnpike Company, passed February 14, 1848 -----	119
To amend an act entitled an act to revive and amend an act entitled an act to incorporate the Portsmouth and Columbus Turnpike Company, passed February 11, 1848 -----	116
To amend the act to incorporate the Dayton and Wilmington Turnpike Road Company, and for other purposes, passed February 18, 1848 -----	166
To incorporate the Tippecanoe and New Carlisle Turnpike Road Company, passed February 5, 1848. -----	80
To incorporate the Xenia and Bellbrook Turnpike Company, passed February 5, 1848 -----	83
To incorporate the Xenia and Fairfield Turnpike Company, passed February 5, 1848 -----	81
To amend the act entitled "an act to incorporate the Salem Turnpike Road Company," passed January 29, 1847, passed February 5, 1848 -----	82
To incorporate the Blueball and Red Lion Turnpike Company, passed February 5, 1848 -----	84
To incorporate the Xenia and Clifton Turnpike Company, passed February 5, 1848 -----	82
To incorporate the Troy and Piqua Turnpike Company, passed February 7, 1848 -----	90
To incorporate the Liberty Turnpike Road Company in Montgomery county, passed February 7, 1848 -----	88

## TURNPIKES, FREE.

To lay out and establish a free turnpike road from Kenton to intersect the free turnpike road from Bellefontaine to Lima, passed February 4, 1848 -----	69
To amend the act entitled "an act to lay out and establish the Hull Prairie free turnpike road, passed February 4, 1848 -----	70
To appoint commissioners to lay out and establish a free turnpike road from or near the center of Washington township, Defiance county, to the Indiana State line, passed February 2, 1848 -----	61
To amend an act entitled "an act to lay out and establish a free turnpike road from Locust Point, in Ottawa county, to the Maumee and Western Reserve road, in Sandusky county," passed February 8, 1847, passed January 29, 1848 -----	46
To amend an act passed March 4, 1844, "to establish a free turnpike road from Columbus to Bellefontaine," passed January 29, 1848 --	47
To amend the act establishing the Wapaukonneta and Kalida, and Lima and Defiance free turnpike roads in the county of Putnam, passed January 28, 1848 -----	38
Supplementary to an act entitled "an act to lay out and establish a free turnpike road in the county of Gallia, passed January 7, 1848,	13
To lay out and establish the Mt. Vernon, Bennington and Delaware free turnpike road, passed February 25, 1848 -----	271
To lay out and establish a free turnpike road in Wood county, and in relation to a State road running from Mt. Vernon, in Knox county, through Mansfield, in Richland county, passed February 24, 1848,	236
To amend the act to establish a free turnpike road from Wintersville,	

TURNPIKES, FREE.—*Continued.*

	Page.
in Jefferson county, to Massillon, in Stark county, passed February 8, 1848 -----	108
To amend the act creating the Turkeyfoot free turnpike, passed March 2, 1846, passed February 8, 1848 -----	94
To appoint commissioners to lay out and establish a free turnpike road in the county of Henry, passed February 8, 1848 -----	101
To lay out and establish a free turnpike road from Sidney to St. Marys, passed February 8, 1848 -----	101
To establish a free turnpike road from Canton, in Stark county, to New Harrisburg, in Carroll county, passed February 8, 1848 -----	108
To lay out and establish a free turnpike road from Delaware, in Delaware county, to Kenton, in Hardin county, passed February 8, 1848 -----	106
To lay out and establish a free turnpike road from Bellecentre, in Logan county, to Roundhead, in Hardin county, passed February 8, 1848 -----	112
To lay out and establish the Williamstown and Patterson free turnpike road, passed February 8, 1848 -----	113
To lay out and establish a free turnpike road from Urbana, in Champaign county, to Marysville, in Union county, and for other purposes, passed February 22, 1848 -----	226
To amend an act entitled an act to establish a free turnpike road on the line of the State road from Lower Sandusky to Findlay, in Hancock county, passed February 10, 1845, passed February 14, 1848 -----	122
To authorize the commissioners of Logan county to relocate a part of a free turnpike road, passed February 14, 1848 -----	122
To provide for laying out and establishing the Sandusky Bay and Woodville free turnpike road, passed February 14, 1848 -----	126
To lay out and establish the Toledo and Port Clinton Free Turnpike Road, passed February 14, 1848 -----	127
To lay out and establish a free turnpike road from Richland, in Logan county, to Roundhead, in Hardin county, passed February 18, 1848 -----	177
To appoint commissioners to lay out and establish a free turnpike road in the county of Paulding, passed February 18, 1848 -----	176
To lay out and establish a free turnpike road from Stephen Latimer's, in Union county, to Urbana, in Champaign county, passed February 18, 1848 -----	173
To lay out and establish a free turnpike road from the Dayton and Western Turnpike, to the Germantown and Eaton Road, in Montgomery county, passed February 18, 1848 -----	171
Appointing commissioners to lay out and establish a free turnpike road from Eaton to Sugar Valley, in Preble county, passed February 18, 1848 -----	168
To establish a free turnpike road from Marysville, in Union county, to Kenton, in Hardin county, passed February 18, 1848 -----	168
To lay out and establish the Bennington and Mount Gilead Free Turnpike Road, passed February 18, 1848 -----	163
To amend the act entitled an act to lay out and establish a free turnpike road from Woodville through Rollersville, in Sandusky county, passed February 9, 1846, passed February 5, 1848 -----	81
To appoint commissioners to lay out and establish a free turnpike road from the Maumee river, in Defiance county, to the south line of Ridgeville township, in Henry county, passed February 7, 1848 --	86



## RESOLUTIONS.

## A.

Adams, John Quincy, relative to the decease of-----	Page. 316
Akron, town of, relative to printing the law regulating common schools-----	295
Apportionment, quadrennial, relative to-----	277
Apportionment, relative to printing extra copies of report of majority of joint select committee on the subject of-----	283

## ASYLUMS.

Blind, relative to printing report of-----	296
Deaf and Dumb, appointing trustees for-----	307
Lunatic, about Fredolin Baumgartner-----	305
Blind, appointing James Hoge director of-----	303
Deaf and Dumb, and Blind, touching the regulation of-----	317
Deaf and Dumb, relative to printing report of-----	296
Lunatic, reappointing Samuel Parsons director of-----	288

Attorney general, directed to take further steps in relation to the examination had in reference to the books and accounts of the Auditor and Treasurer of State-----	314
Attorney general, relative to printing report of-----	282
Auditor of State, relative to printing report of-----	297
Auditor of State, directed to issue instructions to township assessors-----	312
Auditor of State, requiring of, certain information in regard to the suits against sureties of late treasurer of Perry county-----	291

## B.

Banking, unauthorized, relative to violations of the act to prevent-----	286
Bills, new, against the introduction of, in either House, after 3d February, 1848-----	296
Board of Control of the State Bank of Ohio, requiring certain information from the president of-----	293

## BOARD OF PUBLIC WORKS.

Directing two thousand extra copies of the special report of, on the discriminating tolls on salt on the canals of this State, to be printed-----	298
Rescinding a part of the resolution of February 8, 1847, authorizing the, to adjust certain claims-----	311
Requiring of the, hereafter, separate special reports of all expenditures on public works under their charge, and for other purposes-----	298
Requiring of the, certain information in regard to the Mercer County Reservoir-----	314
Requiring the, in future, to submit the reports of engineers on the National Road separate from the annual report of said Board-----	294
Authorizing the, under the resolution of Feb. 4, 1845, to pay a sum not exceeding \$8000-----	287
Relative to printing extra copies of the annual report of the-----	285
Calling upon, for information relative to their action under a resolution in reference to adjusting certain claims.-----	281

## C.

## CLAIMS.

Page.

Relative to the, of R. G. McLean and William Wall -----	306
Relative to certain -----	308
Relative to the, of Ira Grover and W. A. Platt & Co. -----	311
Relative to the, of Whiting & Huntington-----	304
To pay James Killin fourteen dollars -----	317
Relative to the payment of certain -----	318
Relative to certain -----	295
Appointing Governor, Auditor of State and Attorney General commission- ers to audit, allow and pay certain -----	293
Relative to certain -----	290
Relative to the, of Price & Hughes -----	290
Relative to the, of John Graham -----	290
Relative to the, of Michael Halm -----	289
Relative to the, of John Walton -----	289
Relative to the, of J. R. Scroggs -----	289
Relative to the, of George Riordan -----	288
Relative to the, of William Dawson -----	285
Clergymen of Columbus, thanking the, and for other purposes -----	315
Clergy of Columbus, declaratory of the meaning of resolution relative to prayer in both branches by the -----	278
Constitution, relative to amendment of the -----	278
Conover, Alexander, to pay, for certain services -----	308
Congress, relative to the powers and duties of, in certain cases, and the course of the Hon. Thomas Corwin with reference to the war with Mexico ----	299

## D.

David T. Disney and others, for the relief of-----	276
--	-----

## F.

Funds, school, in Ashland county, relative to the distribution of certain-----	300
--	-----

## G.

General Assembly, relative to the final adjournment of the-----	309
---	-----

## I.

Indexes, authorizing the clerks of the two Houses to prepare the, and com- plete the reports-----	310
--	-----

## J.

Johnson Henry, relative to-----	279
---------------------------------	-----

## L.

## LAWS.

About furnishing copies of school, to Wyandott county-----	309
Fixing the numbers of copies of the, general and local, and of the journals, distributable to the several counties of the State, &c.-----	301

**LAWS—Continued.**

	Page.
Relative to furnishing copies of, and reports to Henry county-----	304
Furnishing the auditor of Ashland county, with the general and local----	315
Requiring the clerks of the courts of common pleas to deliver to poor house directors additional copies of, &c.-----	317
Lands, relative to the sale of, near the Wabash and Erie and Miami Ex- tension Canals in this State -----	282
Relative to the appraisement and sale of the canal lands, and lands be- longing to the State, bordering on the Loramie and Six Mile Reservoirs, 313	

**M.**

Maps of the State of Ohio, relative to requiring the clerks of the two Houses to procure skeleton, for the use of the members-----	280
Maps, to pay E. T. Tappan, Esq., \$18 for, furnished to this General Assem- bly-----	293
Medical Societies and Colleges, relative to printing the report of committee of the Senate on-----	286
Miami University, appointing trustees for the -----	291

**O.**

Ohio University, appointing certain trustees of-----	288
--	-----

**P.****PENITENTIARY.**

Relative to printing extra copies of the report of the standing committee of the House on the-----	283
Relative to lighting the Ohio-----	285
Relative to printing the report of the directors and warden of the Ohio--	281
Pennsylvania and Ohio Canal Company, relative to the reports of-----	292

**POSTAGE.**

Relative to a change of, upon transient papers-----	304
Relative to the, of members and clerks-----	279
Relative to an amendment of the, laws-----	296

**R.**

Railroad to the Pacific, relative to Asa Whitney's plan for a-----	292
Reports, Ohio, directing the Secretary of State to furnish the county of Au- glaize-----	316
Reports, Ohio, directing the Secretary of State to furnish the superior court of Cleveland, and the counties of Allen and Morrow, with-----	316
Reporter for the Court in Bank, appointing Hiram Griswold-----	287
Reservoir, Sippo, relative to the removal of the-----	305
Rivers and harbors, in relation to the improvements of western-----	310
Rules, joint, in relation to the-----	297
Rules, joint standing, rescinding so much of the 26th as prohibits the print- ing of bills for repealing acts or parts of acts-----	295
Rules, relative to printing standing and joint-----	281
Rules, relative to appointing a committee to prepare joint, for the government of the two Houses-----	280

## S.

Sandy and Beaver Canal Company, relative to pay certain tolls to the,-----	307
Sandy and Beaver Canal, relative to the completion of the-----	284
Slavery, declaring that so much of the ordinance of 1787 as relates to, should be extended to the territory acquired from Mexico-----	314
Superintendent of common schools, relative to printing extra copies of, report of -----	236
School lands, appointing James Smart, register of the Virginia military dis- trict, at Mansfield, Ohio-----	282
Schools, common, relative to the printing report of Secretary of State on the subject of -----	284
South fork feeder, about the headgate on the-----	306
State Library, authorizing commissioners of, to procure cases for said Li- brary -----	308
State House, directing the State Librarian to take charge of the-----	309
Secretary of State, directing to transmit certified copies of certain laws to the Governor of Pennsylvania-----	312

## T.

Tolls, relative to equalizing the, on all salt manufactured out of this State---	310
Territory, foreign, relative to the acquisition and control of, by the United States-----	300
Thanksgiving general, relative to appointing a day of-----	284

## Z.

Zanesville and Maysville Turnpike Road Company, relative to printing the report relating to the affairs of the-----	279
--	-----





**ACTS OF A LOCAL NATURE,**  
**PASSED BY THE**  
**FORTY-SIXTH GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF OHIO,**  
**BEGUN AND HELD IN THE CITY OF COLUMBUS,**  
**DECEMBER 6, 1847,**  
**AND**  
**IN THE FORTY-SIXTH YEAR OF SAID STATE.**

**VOL. XLVI.**

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**COLUMBUS:**  
**CHAS. SCOTT'S STEAM PRESS**  
**1848.**





## ACTS OF A LOCAL NATURE.

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### AN ACT

To increase the capital stock of the Mad River and Lake Erie Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the stockholders of the Mad River and Lake Erie Railroad Company, at any regular meeting, may increase the capital stock of said corporation, from time to time, in such amounts as may be found necessary to reconstruct and complete the road with heavy iron rail, and to provide depot accommodations, workshops and machinery for the same: *Provided*, the whole stock of said corporation shall in no case exceed four millions of dollars.

SEC. 2. That whenever or as often as the stockholders of said corporation shall order such increase, pursuant to the above provisions, books shall be opened for subscription to the same, under the direction of the board of directors.

SEC. 3. That the next annual meeting of the stockholders shall be holden at Sandusky, on the first Monday of July, 1848; and it shall be lawful for the stockholders, by ordinance, to determine the time and place of all future annual meetings.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

December 27, 1847.

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### AN ACT

For the relief of the Fund Commissioners of Knox county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor and treasurer of the county of Knox, in the State of Ohio, are hereby authorized and empowered to sell upon such terms as they shall deem expedient, certain real estate adjoining the town of Mount Vernon, in said county, and known as "Thistle Ridge," and comprising about one and forty-six hundredths acres of land; being the same premises purchased for the benefit of the surplus revenue fund deposited with said county, and which were conveyed to the State of Ohio under an order of the court of common pleas of said county, made at their April term, 1847, in a certain proceeding in chancery, wherein Sewall Gray, administrator of the estate of William P. Burgess, deceased, was complainant, and Lydia G. Burgess, and others, were respondents.

SEC. 2. The said auditor and treasurer shall, upon the receipt, in full, of the purchase money thereof, forward to the executive office a pertinent description of said real estate, together with a certificate that payment therefor has been made in full, according to the terms of the sale, stating therein the amount thereof; whereupon the governor shall cause to be made to said purchaser a deed in fee simple for said premises, signed by the governor and countersigned by the secretary of State, which deed shall be in the name of the State of Ohio as grantor, and forwarded to the auditor of said Knox county for delivery.

SEC. 3. It shall be the duty of the auditor and treasurer aforesaid, to account for and pay over the proceeds arising from such sale, as other receipts or collections of loans of the surplus revenue deposited with said county, or as they may be directed by law.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

December 28, 1847.

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#### AN ACT

To amend an act entitled "an act to incorporate the city of Columbus, in the State of Ohio."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the boundaries of the city of Columbus, as defined in the first section of the act entitled "an act to incorporate the city of Columbus, in the State of Ohio," be and are hereby extended, so as to include within their limits the following described territory in Franklin county, to wit: Beginning at the intersection of the north line of South Public Lane or the Livingston road, so called, and the east line of Washington Avenue; thence east, with the north line of said South Public Lane, to the east line of East Public Lane; thence northwardly, with the east line of East Public Lane, crossing Broad street, to the south line of the old Alum creek road; thence westwardly, with the south line of the old Alum creek road, to Washington Avenue; thence southwardly, along the east line of Washington Avenue, to the beginning.

SEC. 2. That all acts and parts of acts, conflicting with the provisions of this act, be and the same are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

December 28, 1847.

## AN ACT

To authorize the Commissioners of Washington county to borrow money.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Washington county be and they are hereby authorized to borrow, on the credit of the county, any sum not exceeding five thousand dollars, at a rate of interest not exceeding seven per cent. per annum, for the purpose of erecting a jail in said county.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

December 29, 1847.

## AN ACT

To levy a tax upon the town of Lancaster, to pay the indebtedness of Lancaster School District No. 1, in Hocking township, Fairfield county.

WHEREAS, in accordance with the provisions of an act, passed March the seventh, one thousand eight hundred and thirty-eight, entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," the trustees of Hocking township, in the county of Fairfield, at a special meeting, laid off the town of Lancaster, in said county, into a school district, which was called Lancaster School District No. 1, and which was bounded by the corporate limits of said town: and whereas, the school directors of said district were compelled to borrow money to pay the expenses necessarily incurred by said district number one, and which money still remains unpaid: and whereas, by an act passed March the thirteenth, one thousand eight hundred and forty-three, entitled "an act to divide the town of Lancaster into school districts," and, in accordance with the provisions of this act, the town of Lancaster, in said county, was divided into four school districts: and whereas, no provision was made in this act to pay the debts necessarily incurred by the said Lancaster School District No. 1; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county auditor of the said county of Fairfield shall assess such sum or sums, upon the property within the corporate limits of said town of Lancaster, as shall be necessary to pay said indebtedness of the said Lancaster school district number one, together with the accruing interest on the same, and all other necessary expenses incurred by carrying into effect this act; and the same shall be collected by the county treasurer, as other taxes are collected; and said tax, when collected, shall be applied to the payment of the debts of the said Lancaster school district number one, by the county treasurer, to any person presenting his claim duly authenticated, on the order of the county auditor.

SEC. 2. That the county auditor shall be furnished, by Gen. Sanderson, (one of the original school directors,) with the correct amount of indebtedness of the said Lancaster school district number one, for the payment of which said tax is to be levied.

SEC. 3. This act to take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

December 28, 1847.

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AN ACT

To incorporate the Bellbrook and Spring Valley Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Joseph G. Gest, Hugh H. Hyland, A. G. Luce, B. F. Allen, Moses Walton, John C. Murphy, commissioners, and their associates and successors, are hereby created a body corporate and politic by the name and style of the Bellbrook and Spring Valley Turnpike Company, for the purpose of constructing and maintaining a turnpike road: Beginning in the Cincinnati, Lebanon, and Springfield Turnpike Road at or near Spring Valley, thence by Gladys mills and the town of Bellbrook to the Dayton, Centreville and Lebanon Turnpike Road.

SEC. 2. That said company shall have all the rights, privileges and powers, and be subject to all the restrictions provided in the "act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except so far as may be changed or modified by this act.

SEC. 3. The capital stock of said company shall be twenty thousand dollars, divided into shares of fifty dollars each, payable at such time, place and installments as may be provided by the by-laws of said company.

SEC. 4. Said company may proceed to the election of a board of directors, so soon as one thousand dollars of capital stock shall be subscribed, and, whenever in the opinion of the board of directors a sufficient amount of stock shall be subscribed, proceed to construct such portion of said road as they may deem expedient.

SEC. 5. Whenever said road shall be completed from the place of beginning to Bellbrook, as required by law, said company may erect a gate or gates, and demand and receive such rate of tolls upon said road as is provided by law.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

December 28, 1847.

## AN ACT

To change the name of Richmond Classical Institute, of Jefferson county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the "Richmond Classical Institute of Jefferson county," be and the same is hereby changed to Richmond College.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

December 28, 1847.

## AN ACT

To exempt the Corporation of the town of Springfield, Clark county, from the operation of the 27th section of the act entitled "An act to amend the act for levying taxes on all property in this State according to its true value," passed March 2, 1846, passed February 8, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the president and council of the town of Springfield, in Clark county, shall be and they are hereby authorized to levy and collect taxes upon all taxable property within said corporation, to such amount as they shall deem necessary, not exceeding one-fourth of one per cent. upon the valuation thereof.

SEC. 2. That the twenty-seventh section of the act passed February 8, 1847, entitled "an act to amend the act for levying taxes on all property in this State according to its true value," passed March 2, 1846, so far as the same is inconsistent with this act, be and the same is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

December 28, 1847.

## AN ACT

To incorporate the town of Deerfield, in the county of Warren.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Union, in the county of Warren, as is included in the following limits, to wit: Beginning at the southwest corner of in-lot No. 36, designated on the town plat of Deerfield, thence up the Little Miami river with its meanderings, so far that a line running due north will run on the east line of the lots originally laid out and recorded by the name of Mary Ellen, to the centre of the Chillicothe road; thence west with the centre of said road, to the section line between township four and

five; thence north with said section line to the northeast corner of a four acre out-lot No. 31; thence west to the northwest corner of another four acre out-lot No. 25; thence south to the southwest corner of in-lot No. 36, and place of beginning, is hereby declared a town corporate, by the name of the town of Deerfield.

SEC. 2. That nothing in this act shall be so construed as to alter the school districts or road districts within said township of Union.

SEC. 3. That the town of Deerfield shall be entitled to all the privileges and subject to all the restrictions of the act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty-nine, and the amendatory acts thereto.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives*  
CHARLES B. GODDARD,  
*Speaker of the Senate*

December 28, 1847.

#### AN ACT

To authorize the sale of certain school lots in Xenia township, Greene county, and in Jackson township, Pike county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the directors of the Xenia school district, Greene county, and school district number one, Jackson township, Pike county, Ohio, be and are hereby authorized to sell, at public or private sale, for cash or upon reasonable credit, the several school house lots now owned by said districts, and make to the purchasers good and sufficient deeds for the same; and the proceeds of such sales shall be applied to the purchase of more suitable school lots for said districts, and (if any surplus shall remain) to the erection of school houses thereon, and to no other purpose whatever.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

December 28, 1847.

#### AN ACT

To incorporate the proprietors of the Burnett House, Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jacob Burnett, Nicholas Longworth, Griffin Taylor, John H. Groesbeck, John Kilgore, Jacob Strader, Josiah Lawrence, their associates and successors, be and they are hereby created a body corporate, by the name of "The Proprietors of the Burnett House," in the city of Cincinnati, with capital stock of not exceeding two hundred thousand dollars, divided into

shares of one hundred dollars each, to be paid as the trustees may require ; with power, in that name, to sue and be sued, to contract and be contracted with, and to have a common seal.

SEC. 2. Said corporation is authorized to erect, in said city, a hotel, to be called the "Burnett House," and such other suitable buildings as the trustees shall think proper and convenient for the purposes of said hotel ; and, to that end, may acquire, hold, possess, and dispose of such real estate in said city, as may be deemed necessary for said hotel and the buildings connected therewith ; but said corporation shall never engage in any banking business.

SEC. 3. The business of the corporation shall be managed by a board of five trustees, who shall be annually elected on the first Monday in December, (after the first election,) or such other day as the trustees may appoint. In the choice of trustees, and other meetings of the stockholders, each share of stock shall entitle the holder to one vote. The trustees shall serve one year, if they continue stockholders, and until their successors are elected.

SEC. 4. The trustees may choose a president, and appoint all subordinate officers and agents, fix their compensation, fill vacancies in their own body, and make rules and bylaws for conducting the affairs of the corporation, consistent with the laws of this State and of the United States ; which rules and bylaws shall be binding, when approved by the stockholders, at a meeting called for that purpose.

SEC. 5. The trustees shall lay before the stockholders, at their annual election, a statement of the affairs of the corporation ; and shall divide and pay to the stockholders, half-yearly, such of the profits of the corporation as shall be proper.

SEC. 6. The trustees shall at no time contract a debt, other than for the purchase of the ground, that shall exceed the amount of collectible subscription due and uncollected ; and in case of excess, the trustees and stockholders, knowing and consenting to the same, shall be liable therefor, in their individual capacity.

SEC. 7. Any three of the above corporators for the subscription for the stock of said corporation in Cincinnati, and whenever seventy-five thousand dollars is subscribed, may give notice of the first election for trustees, and organize said corporation.

SEC. 8. That nothing in this act shall ever be construed or understood to except said corporation, or the keeper or keepers of said hotel, from the operation of any general law in force, or that may at any time be in force, in relation to hotels, or the license therefor, or in relation to the sale of spirituous or malt liquors, wine or cider, or in relation to ten-pin alleys, billiard tables, or other gaming establishments.

SEC. 9. This act may be altered, amended or repealed, at any time after the expiration of twenty years from and after its passage.

SEC. 10. This act shall be taken in courts as a public act ; and any copy thereof, printed by order of the General Assembly, shall be received as evidence thereof.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 4, 1848.

SEC. 3. That the said company be authorized to borrow any sum of money not exceeding the sum of one hundred and fifty thousand dollars, to construct said road and to place machinery and vehicles thereon, and to pledge its property credits and receipts for the payment thereof: Provided, that the contract by which the pledge is made, before the same shall operate as a lien upon the property, credits and receipts pledged, shall be recorded in the recorder's office of the county of Clinton.

SEC. 4. That the eighteenth section, together with all other parts of the act to which this is an amendment, inconsistent with the provisions of this act, be and the same are hereby repealed, and all other parts of said act remain in full force.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 5, 1848.

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#### AN ACT

To incorporate R. M. Bartlett's Commercial College, Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be, and hereby is established in the city of Cincinnati, a college, the object of which is hereby declared to be to furnish a complete course of commercial education in all its branches; and that Robert M. Bartlett, James Hall, Wm. Greene, William Watts, Thos. H. Yeatman, Elam P. Langdon, A. M. Taylor, James M. Moreland, L. D. Ingoldsby, Samuel Selden, and their successors, be and they are hereby created a body corporate and politic, with perpetual succession, who shall be known by the name and style of "R. M. Bartlett's Commercial College;" and by that name they and their successors shall be capable of contracting and being contracted with, of suing and being sued, in all courts of law and equity and elsewhere, with full power and authority to have and use a common seal, and to acquire, hold and occupy, and the same to sell and convey all such real estate, not to exceed in value ten thousand dollars, as shall be necessary and convenient for the accommodation of the college hereby created.

SEC. 2. *Be it further enacted,* That the commercial college hereby established, shall be under the control of a permanent board of visitors, which shall consist of at least six, and not more than ten in number; and which board shall have power from time to time of filling any and all vacancies that may occur in their body.

SEC. 3. *Be it further enacted,* That the board of visitors shall, at their first meeting, elect a president and secretary from their own number, who shall serve two years or until their successors are chosen.

SEC. 4. *Be it further enacted,* That the board of visitors shall have full power and authority from time to time to pass all such bylaws, and to make and enforce all such rules and regulations, as they shall deem expe-



dient for the government of said college; they may confer diplomas according to bylaws by them previously established; they shall elect and remove at their pleasure, professors and tutors, who, when chosen from their own number, shall notwithstanding continue members of the board of visitors; and generally do all such acts as they may deem for the welfare of the college, not contrary to any law of this State or of the United States.

SEC. 5. *Be it further enacted*, That Robert M. Bartlett, James Hall, William Greene, William Watts, Thomas H. Yeatman, Elam P. Langdon, A. M. Taylor, James M. Moreland, L. D. Ingoldsby, and Samuel Selden, shall be, and are hereby appointed the board of visitors of R. M. Bartlett's Commercial College.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 7, 1848.

#### AN ACT

Supplementary to an act entitled "an act to lay out and establish a Free Turnpike Road in the county of Gallia."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Coting, John N. Kerr, George Payne and Anslem T. Holcomb, the commissioners named in the act entitled "an act to lay out and establish a free turnpike road in the county of Gallia," passed January twenty-one, eighteen hundred and forty-five, be and they are hereby authorized to extend said road, from its intersection with the eastern termination of Jackson street, of the town of Vinton, on the eastern bank of Raccoon creek, to the bridge at the eastern termination of High street, in said town of Vinton.

SEC. 2. That the commissioners aforesaid be and they are hereby authorized to extend and locate said road, from its termination at the corporate limits of the town of Gallia, to the wharf in said town of Gallipolis, in front of the public square.

SEC. 3. That the commissioners aforesaid, in extending and locating said road, shall be governed by the act to which this act is a supplement; and said road, when extended, shall in all things be governed by the provisions of said act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 7, 1848.

## AN ACT

To incorporate the Chippeway Cemetery Association, of Lafayette township, Medina county, and the Port Washington Cemetery Association, in Salem township, Tuscarawas county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Roswell Williams, Horace R. Holt, Nicholas Spitzer, William D. Prouty, Garret Spitzer, Albro Foster, Paul King, Matthew Leffingwell, Azariah D. Foster, Robert English and Charles Childs, and their associates and successors, be and they are hereby constituted a body corporate, under the name of the Chippeway Cemetery Association of Lafayette township, Medina county; by which name they shall have power to contract and be contracted with, sue and be sued, have and use a corporate seal, make and alter bylaws, and do all other acts and things necessary and proper for effecting the object of their incorporation, which is to provide a place of repose for the dead.

SEC. 2. Any person may become a member of this corporation by paying fifty cents into the treasury of said association, and becoming the owner of one or more cemetery lots, as the same shall be laid off by the board of directors; and the paying of said fifty cents, and the ownership of a lot, shall entitle the owner or owners thereof to one vote at all meetings, but no member shall have more than one vote.

SEC. 3. The affairs of this corporation shall be managed by a board of directors, consisting of five members of the corporation, to be elected by ballot by the corporators, and to receive a majority of the votes. The first election shall be held at a time and place to be designated by the persons above specifically named as corporators, who shall be commissioners for organizing the corporation, of which election the same notice shall be given as herein provided for other elections; and the directors shall hold their office for the term of one year, and until their successors are elected and qualified; and all vacancies, previously existing, shall be supplied by the board of directors; and a quorum of the board, for all purposes, shall be at least three persons.

SEC. 4. The annual meeting for the election of directors shall be held on the first Monday of April in each year; but special meetings may be called by the president, at the request (in writing) of two or more members, of which, as well as of the annual meeting, three days' notice shall be given.

SEC. 5. The board of directors shall, at their first meeting after each annual election, elect, by ballot, a president, from their own body, and two persons, from the members of the corporation, to act as secretary and treasurer; these officers shall hold their offices for one year, and until their successors shall be appointed and qualified; and the treasurer shall give bond, with surety, to be approved by the board, in such sum as the board of directors shall deem sufficient, for the faithful performance of his duties.

SEC. 6. The corporation is authorized to purchase, or take by gift or devise, and hold land, exempt from execution and taxation, and from any appropriation to public purposes, for the sole purpose of a cemetery, not exceeding ten acres. After paying for such land, all future receipts, whether from the sale of lots, from donations or otherwise, shall be applied ex-

clusively, under the direction of the board, to laying out, preserving, protecting and embellishing the cemetery, and the avenues leading thereto, and to paying the necessary expenses of the corporation. No debt shall be contracted in anticipation of future receipts, except for originally laying out, enclosing and embellishing the grounds and avenues, for which debts may be contracted, not exceeding five hundred dollars in the whole, to be paid out of the future receipts; and the board of directors shall have power to appropriate lots for the interment of such persons, not members, as they may see proper, either by donations, sales, or other modes of transfer.

SEC. 7. The original conveyances of lots from the corporation to individuals shall be evidenced by a certificate, signed by the president and countersigned by the secretary, under the seal of the corporation, specifying that such a person is owner of such a lot; and such a certificate shall vest in the proprietor, his heirs and assigns, a perpetual right to the use of such lot, exempt from execution, attachment or taxation, for the sole purpose of interment, under the regulations of the corporation, or be transferred by him to others, either in whole or in part, for that sole purpose, with the assent of the board; and in case of such transfer from a member or members to another person, it shall be made in writing, in a book of the corporation, to be kept for that purpose; whereupon, the former certificate shall be surrendered, and a new one issued to the transferee, for the whole or a part thereof, as the case may require.

SEC. 8. For the purpose of convenient selection and description, the board of directors shall cause a plat to be made of the lots to be disposed of for interment, designating such lots by consecutive numbers; which plat shall be recorded on the books of the corporation. The original choice of lots, between those who shall have subscribed and paid for them prior to the time of making the selection, shall be determined by lot, in such manner as the board of directors shall prescribe; and after the original selection shall have been thus determined, future purchasers may select from the lots not previously appropriated.

SEC. 9. The board of directors shall have power to enclose, improve, and adorn the grounds and avenues, and to erect buildings for the general use of the corporation, and to prescribe rules for the enclosing, adorning, and erecting monuments in the cemetery lots, and to prohibit any use, division, improvement, or adornment of a lot, which they may deem improper; and they shall make report of their doings, to each annual meeting of the corporation.

SEC. 10. Any person who shall willfully destroy, deface or injure, or remove any tomb, monument, or gravestone, or other structure, placed in the cemetery aforesaid, or any fence, railing, or other works, for the protection or ornament of said cemetery, or of any tomb, monument, or gravestone, or other structure aforesaid, or of any cemetery lot within the cemetery aforesaid, or shall willfully destroy, cut, break, or injure any tree, shrub, or plant, within the limits of the said cemetery, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any court of competent jurisdiction, be punished by fine of not less than five dollars, nor more than five hundred dollars, and by imprisonment in the county jail for a term not less than one nor more than thirty days, according to the nature and aggravation of the offence; and such offender shall also be liable in an

action of trespass, in the name of the said corporation, to pay all such damages as have been occasioned by his or her unlawful act or acts; which money, when recovered, shall be applied, by said corporation, under the direction of the board of directors, to the repair and restoration of the property destroyed or injured, as above; and members of said corporation shall be competent witnesses in said suits.

SEC. 11. That Paul Wetherbee, Joseph S. Burr, Thomas Taylor, Allen Gaskill, John Knight, and their associates and successors, be and they are hereby created a body corporate and politic, under the name of the Port Washington Cemetery Association; by which name they shall have power to sue and be sued, to contract and be contracted with, to have and use a common seal, make bylaws and alter the same at pleasure, and to do all other acts and things which may be necessary and proper for effecting the object of their incorporation.

SEC. 12. That the incorporation authorized by the foregoing section of this act, shall be governed by the foregoing provisions of said act, in so far as they may be applicable to said incorporation.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 11, 1848.

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#### AN ACT

Authorizing the commissioners of Pickaway county to sell lot No. 28, in Olds, Huston & Co.'s First Addition to the town of Circleville.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Pickaway county be and they are hereby authorized to sell and convey lot number twenty-eight, (No 28,) in Olds, Huston & Co.'s first addition to the town of Circleville, known as the jail lot of said county; said commissioners being required to give thirty days' notice in two newspapers of general circulation in said county previous to such sale; said lot to be sold to the highest bidder, and the proceeds of such sale to be paid into the treasury of said county, to be applied towards the extinguishing the debts incurred by said county in erecting the new court house and jail of said county.

SEC. 2. That Daniel Dresbach, the director of said town of Circleville, and the county commissioners of said Pickaway county, be and they are hereby authorized to execute, in their official capacity, a deed of conveyance, with terms of general warranty on the part of said county to the purchaser or purchasers of said lot under such sale as aforesaid.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 11, 1848.

## AN ACT

To lay out and establish a graded State road from David Downer's, in Guernsey county, to the town of Freeport, in Harrison county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jacob Lemmon of Harrison county, and John Honnom and Ephraim Cox of Guernsey county, be and they are hereby appointed commissioners to lay out and establish a graded state road, commencing at the house of David Downer, on the Steubenville and Cambridge Turnpike Road in Guernsey county; thence down the Crab Orchard Valley to James Hixon's mill; thence down said valley to William Grubb's cooper shop; thence to the town of Freeport in Harrison county: Provided that the grade of said road shall in no place exceed an elevation of five degrees.

SEC. 2. That said commissioners hereby appointed shall have power to vacate any portion of the old roads running parallel with said road, and rendered unnecessary by the creation of said new road, also to extend any road leading from said roads thereby vacated in such manner as to intersect the said new road.

SEC. 3. Said commissioners shall have power to receive donations in either money or property to aid in the construction of said road, and shall meet at David Downer's, in Guernsey county, on or before the first day of May A. D. 1848, and proceed to the establishing of said road.

SEC. 4. That the said commissioners aforesaid shall be governed in all respects by the law now in force defining the mode of laying out and establishing state roads, passed March 14, 1832, and all acts amendatory thereto. Should either of the commissioners die or refuse to serve, or remove out of their respective counties, the commissioners of the county where said vacancy may happen, shall, on application being made, fill such vacancy as often as it may occur.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

## AN ACT

To amend the act entitled "An act to incorporate the Montgomery County Mutual Fire Insurance Company," passed February 3, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the members of the Montgomery County Mutual Fire Insurance Company may, at the annual election for directors of said company, to be held on the first Monday of January, A. D. one thousand eight hundred and forty-eight, elect nine directors, who shall be members of said company, as provided in the third section of the act to which this is an amendment; and when the board of directors so elected shall have organized by the election of their president, they shall proceed to determine by lot the term

for which each of said directors shall serve ; so that three of said directors shall serve for one year, three for two years, and three for three years ; and said directors shall serve only for the terms so as aforesaid by lot respectively fixed for them, or until their successors are elected and qualified ; and at each succeeding annual election but three directors shall be chosen, who shall serve for three years, and until others are elected and qualified in their stead.

SEC. 2. That if any building shall be erected, or combustibles placed adjacent to any house or other building, by the proprietor thereof, after insurance has been made thereon with said company, whereby said house or other building shall be exposed to greater risk or hazard, the effect to avoid said insurance shall be the same as by alteration in such house or other building, provided for in the twelfth section of the act to which this is an amendment.

SEC. 3. That it may and shall be lawful for any person or persons applying for insurance in said company, at his, her or their election, to pay to said company a certain definite sum of money in full for such insurance, which said sum shall be in lieu and place of a premium note ; and such person or persons shall not be liable to said company during the continuance of his, her or their policy, for any sum beyond the amount thus originally paid.

SEC. 4. That such sum or sums of money as shall be paid to said company as aforesaid, shall be retained as a fund for the payment of losses and expenses which may happen or accrue in and to said company, which said fund shall be exhausted before a resort shall be had to assessments upon premium notes deposited with said company, and this said fund, and the premium notes deposited with said company, shall constitute the capital of the company for the payment of losses and expenses.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 11, 1848.

#### AN ACT

To authorize the commissioners of Clark county to release Samuel Black from a recognizance therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Clark county shall be and they are hereby authorized and empowered to release Samuel Black, of Clark county, from the recognizance entered into by him as security for the appearance of his son, Otho H. Black, before the court of common pleas of Clark county.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 11, 1848.

## AN ACT

To extend to the counties of Franklin and Madison the provisions of an act passed January 29, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the provisions of an act entitled "an act to amend an act entitled 'an act prescribing the duties of supervisors, and in relation to roads and highways,'" passed January the twenty-ninth, one thousand eight hundred and forty-seven, be and the same are hereby extended to the counties of Franklin and Madison, as fully as if the counties of Franklin and Madison had not been excepted from the operation of said act.

SEC. 2. That so much of the third section of said act which except the counties of Franklin and Madison, be and the same is hereby repealed.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 11, 1848.

## AN ACT

To authorize the commissioners of Summit county to levy taxes for bridge purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Summit county be and they are hereby authorized and empowered to levy a tax annually for bridge purposes, not exceeding one mill on the dollar, upon all property assessed for taxation in said county.

SEC. 2. All laws now in force contravening the provisions of this act, are hereby repealed, so far as they may affect the provisions of this act. This act shall take effect and be in force from and after the passage thereof.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 11, 1848.

## AN ACT

To incorporate the Board of Directors of Muhlenburg College, at the town of Jefferson, in Harrison county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Amos Bartholomew, Adam Culp and Metcalf Winn, of the county of Jefferson; John Benedict, Daniel Easterday, Harrison Miller, Andrew Mike-sell and Samuel Douglass, of Harrison county; Dewalt Rothaker, Samuel Hunter and George Barrick, of Carroll county; Abraham Bartholomew,

Emanuel Greenwald and John Minnick, of Tuscarawas county ; and James Manning, of Muskingum county, members of the board of directors, appointed by the English branch of the Evangelical Lutheran Joint Synod of Ohio and adjacent States, to establish a college at the town of Jefferson, Harrison county, State of Ohio, are hereby created a body corporate and politic by the name, style and title of "The Board of Directors of Muhlenburg College," with perpetual succession ; and they, and their successors in office, shall have power to fill vacancies and increase their number, to sue and be sued, plead and be impleaded, to defend and be defended, in all courts of law and equity ; to have a common seal, and to alter it at pleasure ; to hold all kinds of estate, which they may acquire by purchase or donation, to any amount necessary to accomplish the objects of the institution, and to have and to convey at discretion ; to form a constitution and bylaws for their perpetuation and government ; to make all necessary regulations for the management of their fiscal concerns ; to admit, exclude and expel members, to appoint officers, and to do such other acts as may be necessary to effect the promotion of scientific and theological knowledge : Provided, however, that said constitution and bylaws shall be consistent with the constitution of the United States and the State of Ohio, and the laws thereof.

SEC. 2. That the professor or professors appointed by said board, in said college, or a majority of them, shall constitute the faculty, and have power to enforce the rules and regulations enacted by the board of directors for the government and discipline of the students, and, finally, to suspend or expel such of them as may, in their judgment, deserve it ; and to grant and confirm, by the consent of the board of directors, such degrees in the liberal arts and sciences, or such branches thereof, to such students or others whom, by their proficiency in learning and other meritorious distinctions, they shall regard as entitled to them, as it has been usual to grant in other colleges ; and to grant to such graduates diplomas or certificates, under their common seal, to authenticate and perpetuate such graduation : Provided, that the power of conferring degrees shall not be exercised by said corporation until it shall have acquired property, either real or personal, and in possession thereof to the value of ten thousand dollars, to be ascertained by three disinterested freeholders of the county where said college is located ; said appraisers to be appointed by the auditor of said county, and to make return in writing of their appraisement, which returns shall be filed and preserved in the office of said auditor.

SEC. 3. That no misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest, to or for the said corporation : Provided, that the intent of the parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby any estate or interest was intended to pass to or for said corporation.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.



## AN ACT

To incorporate Gundry & Bacon's Cincinnati Mercantile College.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of establishing and maintaining in the city of Cincinnati, in the county of Hamilton, an institution for the instruction of young men in mercantile knowledge, embracing all the branches requisite for thoroughly qualifying them for book-keepers, and for business pursuits, John W. Ellis, John W. Messick, Daniel B. Pierson, John Burgoyne, John C. Thorp, Charles Hubbell, John W. Hartwell, Bellamy Storer, Charles D. Coffin, Charles Anderson, John Gundry and R. S. Bacon, and their associates and successors, be and they are hereby constituted a body politic and corporate, by the name and style of Gundry & Bacon's Cincinnati Mercantile College; and by that name shall have perpetual succession, with power to receive all donations and bequests, and apply the same for the purpose aforesaid, in conformity to the conditions and designs of the donor; to contract and be contracted with, sue and be sued, defend and be defended, in all courts of competent jurisdiction; to acquire, hold, and convey property, real and personal, not exceeding two thousand dollars; to use a common seal, and shall have all the powers and privileges incident to similar corporations.

SEC. 2. That said corporation shall have power to form a constitution and adopt bylaws for its government, to prescribe the number and title of its officers, to establish courses of study, and, by such agency as they shall direct, to grant certificates or diplomas, under their corporate seal, to such students as they may deem worthy.

SEC. 3. That all questions before the corporation shall be decided by a majority of the number present, and seven members shall constitute a quorum for the transaction of business.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

## AN ACT

To amend the act entitled "an act to incorporate the city of Columbus, in the State of Ohio."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the boundaries of the city of Columbus, as defined in the first section of the act entitled "an act to incorporate the city of Columbus, in the State of Ohio," be and they are hereby extended, so as to include within its limits the following described territory in Franklin county, to wit: Beginning at Jacob Whitsel's northeast corner, on Front street; thence south, along Front street, to the north line of W. Smith's heirs; thence westwardly

with said Smith's line, to the east bank of the canal; thence northwardly, along the bank of the canal, to where the present corporation line intersects the canal; thence eastwardly, along the present corporation line, to the beginning.

SEC. 2. That all acts and parts of acts conflicting with the provisions of this act, be and the same are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

#### AN ACT

To repeal a portion of the act entitled "an act regulating the navigation of Muskingum river and its main branches," passed February, 9th 1813.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the act entitled "an act regulating the navigation of the Muskingum river and its main branches," passed February ninth, one thousand eight hundred and thirteen, as applies to Killbuck's creek, from its junction with Whitewoman's creek, up to the forks, in section number nine, township number fifteen of range number thirteen, be and the same is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

#### AN ACT

To amend an act entitled "an act to give the commissioners of Clark county jurisdiction for certain purposes over a portion of the unfinished part of the National Road west of Springfield," passed January 14, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the act entitled an "an act to give the commissioners of Clark county jurisdiction for certain purposes over a portion of the unfinished part of the National Road west of Springfield," passed January 14, 1847, as restricts the amount of appropriation thereby permitted to be made by the said commissioners for the purposes therein named, to the sum of three hundred dollars, be and the same is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

## AN ACT

To amend the "Act to incorporate the Maumee and Perrysburgh Toll Bridge Company," passed March 12, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the stockholders and proprietors of the Maumee and Perrysburgh Toll Bridge Company be, and they are hereby authorized, at any time hereafter, to rebuild or construct anew, a bridge over the Maumee river at any place not exceeding one hundred and twenty rods below the place where, by the act passed March twelve, one thousand eight hundred and thirty-eight, they were required to erect the same.

SEC. 2. That so much of the act referred to in the first section of this act, as conflicts with the provisions of said section, be and the same is hereby repealed.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 20, 1848.

## AN ACT

To incorporate the Akron Cold Spring Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Benjamin Felt, Henry Rattle, Jonathan F. Fenn, Arod Kent, Simon Perkins, Horace K. Smith, William H. Dewey, and Henry C. Crosby, their associates and successors, be and they are hereby constituted and made a body politic and corporate, and shall be and remain a corporation with perpetual succession, by the name of the Akron Cold Spring Company; and by that name may sue and be sued in any court having competent jurisdiction, and shall be and hereby are vested with all the powers and privileges necessary to carry into effect the objects of said association; to manage the affairs of which, the persons named in this section are hereby authorized, until directors shall be elected.

SEC. 2. Said company are hereby authorized and empowered to locate and construct an aqueduct and such other works and appendages as may be necessary for the conveyance and protection of the water of a spring which is on the north part of lot five, tract two, in Portage township in the county of Summit, to any part of said township: Provided, the consent of all persons over or through whose premises or lands said aqueduct shall be constructed or carried, shall be first obtained; and when it shall be carried in any of the streets of Akron, then the consent of the town council of Akron shall first be obtained by the company hereby incorporated.

SEC. 3. Said corporation is hereby authorized, for the purpose of enabling it to execute said work, to purchase and hold such real and personal

estate as may be necessary for constructing, maintaining, and keeping in repair said aqueduct and its appendages; and may dispose of the same by lease, deed, or other conveyance, as to the directors shall seem best.

SEC. 4. The capital stock of said company shall not exceed ten thousand dollars, which shall be divided into shares of fifty dollars each, and subscribed and paid under such regulations as the company may prescribe.

SEC. 5. That as soon as three thousand dollars of the capital stock shall have been subscribed, the stockholders of said company, after ten days' notice shall have been given, in one of the newspapers of Akron, of the time and place, shall meet and proceed to elect by ballot a board of five directors, one of whom shall be by them chosen president; and the election of directors thereafter shall be held on the first Monday of January in each and every year, each stockholder having one vote for each share of stock by him or her held; the directors shall have power to fill all vacancies that may accrue in their board, and said directors shall hold their offices until their successors are elected and qualified; at all elections it shall be lawful for stockholders to vote by proxy, duly appointed in writing.

SEC. 6. The board of directors of said company shall have power to appoint a treasurer, secretary, and such other officers as they may deem necessary, define their duties and fix their compensation, and to make all contracts, and to manage and superintend the affairs of said company, and to adopt such bylaws as they may deem necessary, not inconsistent with the constitution of the United States and of this State.

SEC. 7. Said company shall cause a record of all their proceedings and transactions to be kept, which shall at all times be open for the inspection of each stockholder.

SEC. 8. If any subscriber shall neglect or refuse to pay the several installments of stock as they fall due, a sufficient amount of his or her stock shall be sold at public auction to the highest bidder to meet such deficiency, with the expense of sale; notice of such sale having been given, at least ten days previous, in a newspaper in general circulation in the county of Summit.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 20, 1848.

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#### AN ACT

To authorize the sale of School Section Sixteen, in Crane township, Wyandott county, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section sixteen in Crane township, in the county of Wyandott, be and the same is hereby authorized to be sold; Provided no part thereof shall be sold for less than the appraised value thereof; and such sale shall in all respects be conducted and governed by the provisions of an act enti-

ded "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three, and in accordance with an act entitled "an act to fix the minimum price of the sale of school lands," passed March fourth, one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 20, 1848.

#### AN ACT

To incorporate the town of Port William in the county of Clinton.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Liberty, in the county of Clinton, as now is included in the limits of the recorded town plat of the town of Port William in said county, be and the same is hereby declared a town corporate by the name of the town of Port William; and by that name shall be a body corporate and politic, with perpetual succession.

SEC. 2. That the town named in the preceding section of this act shall be entitled to all the privileges, and be subject to all the restrictions of an act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty-nine, and the several acts amendatory thereto.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 20, 1848.

#### AN ACT

To lay out and construct a graded State road from Middleton, in Jackson county, to Vinton, in Gallia county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Edward H. Goddard, of Jackson county; and Ira Holcomb and Andrew Smith, of Gallia county, be and they are hereby appointed commissioners, and George House, of Gallia county, surveyor, to lay out, survey and establish a graded State road, to commence at Middleton, in Jackson county, thence the nearest and best route for such a road, to the bridge

across little Raccoon creek, near Buck's mills, in Jackson county; thence the nearest and best way to Vinton, in the county of Gallia.

SEC. 2. That the commissioners aforesaid shall be governed in all respects by the law now in force, defining the mode of laying out and establishing State roads, passed March fourteen, one thousand eight hundred and thirty-one, and all acts amendatory thereto; and that said road shall not exceed an angle of five degrees with the horizon.

SEC. 3. That the said commissioners shall have power, and are hereby authorized to appoint such number of trustees along the line of said road as they may think best, whose duty it shall be, and they are hereby authorized to collect and receive all subscriptions, and receive all donations, either in money, work or property, intended by the subscriber or subscribers, donor or donors, to be applied on said road, by any one of said trustees, within whose township said road may pass, and apply the same to the opening and improving said road according to the true intent and meaning of such subscription or donation: Provided, that all subscriptions or donations that may be made for the improving and opening of said road without any definite specification when it shall be applied on said road, the trustee or trustees appointed as aforesaid, in the township where such subscription or donation shall have been made, shall, in all such cases, apply such subscriptions and donations as they may think proper for the benefit of said road.

SEC. 4. That should either of the commissioners or surveyor named in the first section of this act die, refuse to serve, or remove out of their respective counties, the commissioners of the county where such vacancy may happen, shall fill the same as often as it may occur.

SEC. 5. That the commissioners and surveyor aforesaid shall be governed in all respects by the law now in force defining the mode of laying out and establishing State roads, (except such cases as are herein provided for,) and the expenses of laying out and establishing said road shall be paid in the manner pointed out in said acts.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 22, 1848.

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#### AN ACT

To amend an act entitled "an act to incorporate the Troy and Stillwater Turnpike Company," passed March 7, 1842.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the eighth section, and the proviso to the seventh section, of "an act to incorporate the Troy and Stillwater Turnpike Company," passed March seventh, one thousand eight hundred and forty-two, be and the same are hereby repealed.

SEC. 2. That so soon as said company shall have completed five continuous miles of said road, they shall have power, and are hereby authorized, to erect a gate, and receive toll on the same, at rates proportioned to the distance which said road may be finished.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 22, 1848.

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AN ACT

To authorize the sale of the north half of Section Sixteen, in Crawford township, Wyandot county, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the north half of section sixteen, in Crawford township, Wyandot county, be and the same is hereby authorized to be sold: Provided, no part thereof shall be sold for less than the appraised value thereof; and such sale shall in all respects be conducted and governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three; and in accordance with an act entitled "an act to fix the minimum price of the sale of school lands," passed March fourth, one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 22, 1848.

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AN ACT

To incorporate the Spring Valley Hydraulic Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Joseph A. Coburn, Michael Dougherty, Joseph G. Gest, E. F. Drake, A. G. Luce, and their associates and successors, are hereby created a body corporate and politic by the name and style of the Spring Valley Hydraulic Company; and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property, real and personal, in all respects as fully as private persons.

SEC. 2. Said company shall be authorized to construct and keep up a dam or dams across the Little Miami river, and across any of its tributaries,

at any point within the township of Sugar Creek, in Greene county; and convey the water of such streams over and through any suitable ground, by means of canals, feeders, races, basins, or water ways, of sufficient capacity, to any point or points which may be selected by said company within said township, together with such necessary waste ways and fixtures as may be necessary to protect the same; and all such fixtures and appurtenances as may be necessary to the complete enjoyment of the contemplated improvement: Provided, the assent thereto of all persons, owning lands over or through which the water way shall be constructed, shall first be obtained: and provided, further, that no dam shall be erected, or water diverted in any manner, to the injury of any existing water power improvement of said streams, without the assent of the owners of said improvements.

SEC. 3. The capital stock of said company shall consist of fifty thousand dollars, to be divided into shares of one hundred dollars each; which shall be subscribed and paid for under such regulations as said company may prescribe.

SEC. 4. The affairs of said company shall be managed by a board of seven directors, to be elected by the stockholders; and the board, so elected, shall elect one of their number, who shall be president of said company; and said board, when so organized, shall have power to make all needful rules and regulations, and ordain and establish such bylaws, and appoint such officers and agents, as may be proper and necessary.

SEC. 5. That so soon as five thousand dollars of the capital stock of said company shall be subscribed, the stockholders may proceed to elect directors, as hereinbefore provided, who shall serve one year, and until their successors are elected; and all future elections shall be held at such time and place as may be provided by the bylaws of said company.

SEC. 6. That said company shall have power to dispose of any water privilege or power which they may create under the provisions of this act, either by sale or lease of any part, or the whole of their interest therein, in as full a manner as individuals can or may dispose of their private property.

SEC. 7. Said company shall have power to purchase and own any ground or water privilege which may be convenient or necessary to them for the purpose of obtaining and securing the right to divert the water from the streams and river aforesaid, and to locate and construct the water way through or upon the same; together with any ground, not exceeding thirty acres in quantity, which may be properly used for the purpose of creating and employing the water power of said company, and ways and grounds convenient and necessary to the same.

SEC. 8. Said company may erect such suitable buildings and machinery, and maintain the same, as they may deem proper for the profitable use and employment of said water power; and do and perform, as fully as private persons may, all acts necessary to carry into effect the objects of said company, not inconsistent with the laws or constitutions of the United States, or of this State.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 25, 1848



## AN ACT

Further to amend the act entitled "an act to incorporate the Stark County Mutual Insurance Company," passed March 29, 1837.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That it may and shall be lawful for any person or persons, applying for insurance in the Stark County Mutual Insurance Company, at his, her, or their election, to pay to said company a certain definite sum of money in full for such insurance, which said sum shall be in lieu and place of a premium note; and such person or persons shall not be liable to said company, during the continuance of his, her, or their policy, for any sum beyond the amount thus originally paid.

**SEC. 2.** That such sum or sums of money as shall be paid to said company as aforesaid, shall be retained as a fund for the payment of losses and expenses which may happen or accrue in and to said company, which said fund shall be exhausted before a resort shall be had to assessments upon premium notes deposited with said company; and this said fund, and the premium notes deposited with said company, shall constitute the capital of the company, for the payment of losses and expenses.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 25, 1848.

## AN ACT

To extend the corporate limits of the town of Bellbrook, in Greene county.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the corporate limits of the town of Bellbrook, in Greene county, are hereby extended so as to include the following described territory, to wit: Beginning at a stone seventy-eight nine-tenth poles north, eighty-nine three fourths degrees west, from a stone fixed at the intersection of Main and Franklin street in said town; thence north, forty-eight degrees west, thirty-three four-tenth poles to a stake, crossing Little Sugar creek at three poles and again crossing said creek at twenty-eight poles; thence north, twenty-eight and one half degrees east, seventeen five-tenth poles to a stake; thence south, sixty-four and one half degrees east, seventeen three-tenth poles to a stone; thence north, one and a half degrees west, nineteen five-tenth poles to a stone; thence north, two degrees thirty-nine minutes west, twenty-three two-tenth poles to a large sugar tree; thence east, crossing the Xenia and Lebanon road at eighty-two poles, and continuing the same course one hundred and forty-six poles to a white elm twenty-four inches in diameter; thence south, fifty-six degrees east, fifty-seven poles to a stake in the east edge of the road leading from Bellbrook to Morris and Glodfelter's mills; thence south, twenty-seven and a half degrees west, with said road fifty-one poles to where it intersects the road leading from Bellbrook to Hanes and

Harner's mills, and continuing in the same course one hundred eighty-four and five tenth poles to a large sycamore tree on the north bank of Sugar creek below and near the forks of said creek ; thence up Little Sugar creek, with the meanderings thereof ; north, seventy and a half degrees west, crossing the Bellbrook and Lebanon road at twenty-eight poles, and continuing same course thirty-two and four-tenth poles to a large linn on the bank of said creek ; thence north, eighty-four degrees west, twenty-two poles, north twenty-seven and a half degrees west twenty-two poles, north fifty-two and one-fourth degrees west, twenty-three four-tenth poles north thirty and one-half degrees west twenty-six and a half poles to a stone near the bank of said creek ; thence north one and one half degrees west, thirty poles to the place of beginning, crossing the creek at eleven and again at twenty-five poles.

SEC. 2. The territory above described shall be known as the town of Bellbrook, and all ordinances or laws now in force in said town shall be extended to the territory described in the preceding section, and all acts inconsistent with this act are hereby repealed. This act to be in force from and after the first day of April next.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 25, 1848.

#### AN ACT

To incorporate the Troy and Newton Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Henry S. Mayo, John G. Telford, Albert G. Evans, Jacob Knoop, James Fenner, Joseph Coppock, and Samuel T. Coate, of the county of Miami, and their associates, be and they are hereby created a body politic and corporate by the name of the Troy and Newton Turnpike Company, for the purpose of constructing a turnpike road from the town of Troy to the town of Newton, in said county, commencing at some point on the western boundary of said town of Troy, and running thence on the most desirable route to said town of Newton in said county of Miami ; which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. The capital stock of said company shall be twenty-five thousand dollars, divided into shares of twenty-five dollars each.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 25, 1848.

## AN ACT

To amend the act entitled "an act to incorporate the Clark and Miami Turnpike Company," passed February 5, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Thomas Kizer, David King, Isaac Ward, Adam Baker, William Overpuck, John Householder, John Snyder, George Cost, James W. Sterrett and Charles Anthony, of Clark county; and Henry W. Culbertson, William H. Gahagan, Jacob Knoop, George Keifer, James Hart, John Scott, Arthur Vandever, Daniel P. Vooris, Isaac S. Sheets, William I. Thomas and Jacob Knoop, of Stanton, of Miami county, and their associates and successors, be and they are hereby created a body politic and corporate by the name of the Clark and Miami Turnpike Company, for the purpose of constructing a turnpike road from Springfield, in Clark county, by the best and most practicable route, to the town of North Hampton; and from thence to Isaac S. Sheets' mill; and from thence to Troy, in Miami county; which company shall have all the privileges and powers, and be subject to all the restrictions, defined in the act to provide for the regulation of turnpike road companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except so far as the same may be modified or changed by the provisions of this act.

SEC. 2. That the first section of the act entitled "an act to incorporate the Clark and Miami Turnpike Company," passed February five, one thousand eight hundred and forty-seven, be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 25, 1848.

## AN ACT

To incorporate the Starling Medical College, in the city of Columbus.

WHEREAS, Lyne Starling, of the city of Columbus, by deed of trust, duly executed and dated on the eighteenth day of December, A. D. one thousand eight hundred and forty-seven, did bind himself to pay to Robert W. McCoy, William S. Sullivant, John Butterfield, Samuel M. Smith, Francis Carter, Joseph R. Swan and John W. Andrews, as trustees, the sum of thirty thousand dollars, at the several times therein specified, to be applied by said trustees as therein directed, for the use and support of a medical college in the city of Columbus, and to sustain an infirmary, or hospital, or some other benevolent institution, under the supervision or control of said medical college: and whereas, the said Lyne Starling did there-in direct that, in the management of said trust, the following rules should be observed:

- 1st. All vacancies in said board of trustees, by death or otherwise, shall be filled by the remaining trustees as soon as practicable.
- 2d. No part of the funds belonging to said trust shall ever be loaned to any individual; but all investments and reinvestments thereof, for the purposes of income, shall be in such stocks as the trustees shall, from time to time, deem safest and best.
- 3d. All the professors in said medical college shall be appointed, and subject to be removed, by the trustees; and it is especially my wish, that, in making such appointments, the trustees shall look solely to the character and qualifications of candidates, and to the permanent interests of said institution; and all the affairs of said medical college shall be under the control of said trustees and their successors.
- 4th. In case said trustees shall at any time fail to fill a vacancy in their number, for six months after the same shall have occurred, the supreme court, or highest judicial tribunal of Franklin county for the time being, is hereby authorized to fill said vacancy, on a petition filed by one or more of said trustees, or by ten of the citizens of Columbus who are not trustees, stating said fact, and proving the same to the satisfaction of the court.
- 5th. On a petition being filed by one or more of said trustees, or by any ten citizens of Columbus, not trustees, averring that the funds belonging to this trust are improperly managed by the trustees, and that said trust is in danger of loss thereby, and setting forth the grounds upon which said averments are based, and verified by affidavits, the supreme court, or highest judicial tribunal of Franklin county for the time being, on said averments being satisfactorily proved, is hereby authorized to interfere, and make such order as it shall deem best, for the safe keeping of said funds by said trustees.
- 6th. Five of said trustees shall constitute a quorum; and a majority of those present shall decide upon all questions coming before them, excepting only, that, in the election or removal of professors, and in the election of trustees to fill vacancies, a majority of the whole number of trustees shall be required.
- 7th. No trustee shall be paid anything for his services in the management of this trust; but all expenses, necessarily incurred by the trustees, shall be paid out of the trust funds.
- 8th. In electing trustees hereafter to fill vacancies, the trustees are directed to take care that at all times not less than two nor more than three regular physicians of the city of Columbus shall be members of said board. But with the exception of the physicians upon the board of trustees herein named, and all of whom shall be eligible to professorships in said medical college, I direct that the elections of trustees shall be hereafter so conducted as that there shall ultimately be upon said board of trustees, two, and but two persons who are either professors or officers in said medical college, or who shall derive any benefit from the funds of the same; and I do also direct that all of said trustees and their successors shall at all times be citizens and residents of Columbus.
- 9th. Whereas, it is frequently the case that institutions of the character herein contemplated incur heavy debts, which they are unable to meet, and their usefulness is impaired thereby, I direct that said trustees and

their successors shall at no time incur any debt beyond what they suppose to be their cash means for meeting the same within one year. And whereas, said trustees did, on the day above mentioned, accept such trust: now, therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That, in order to enable said trustees and their successors fully to carry out the objects of said trust, they, the said Robert W. McCoy, William S. Sulivant, John Butterfield, Samuel M. Smith, Francis Carter, Joseph R. Swan and John W. Andrews, and their successors, be and they are hereby made a body corporate by the name of the "Starling Medical College;" and they and their successors are hereby, as such body corporate, clothed with all the powers conferred, and subject to all the duties imposed upon them by said deed of trust; and the provisions of said deed of trust, herein recited, are made a part of this charter.

**SEC. 2.** Said corporation shall have the right to sue and be sued, to hold real and personal estate, to have and use a corporate seal, and the same to change at pleasure; to confer degrees in medicine, and, generally, to exercise all the powers usually pertaining to a medical college.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 28, 1848.

#### AN ACT

To authorize the Trustees of Wayne township, Muskingum county, to sell the northwest quarter of section 8, township 3, of range 5, and the southwest quarter of section 8, township 3, of range 6, belonging to the original surveyed township 12, of range 13.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Wayne township, Muskingum county, be and they are hereby authorized to sell two certain quarter sections of land in Monroe township, belonging to the original surveyed township of Wayne, and described as the northwest quarter of section eight, township three, of range five, and the southwest quarter of section eight, township three, of range five, belonging to the original surveyed township twelve, of range thirteen: Provided, that no part thereof shall sell for less than the appraised value thereof; and such sale shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three; and in accordance with the act to fix the minimum price of the sale of school lands, passed March fourth, one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 28, 1848.

## AN ACT

To authorize the President and Directors of the Miami Bridge Company to subscribe stock to the Hanover, Stillwell and Rossville Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the president and directors of the Miami Bridge Company be and they are hereby authorized, if, in their opinion, it will be to the interest of said bridge company, to subscribe stock to the Hanover, Stillwell and Rossville Turnpike Company: Provided, said stock, so subscribed, shall not exceed the amount of five hundred dollars.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 28, 1848.

## AN ACT

To amend an act entitled "an act to incorporate the town of Oberlin, in the county of Lorain," passed February 17, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the corporate limits of the town of Oberlin, in the county of Lorain, shall hereafter extend to and include lots number seventy-five, seventy-six, eighty-five, and eighty-six, of the original surveyed lots of the township of Russia.

SEC. 2. That the town council shall be empowered to levy a tax, in each year, upon all the real estate and personal property within the limits of said town of Oberlin, as the same has been or shall be assessed, appraised and returned on the grand levy of the State: Provided, that said tax shall not exceed, in any one year, two mills on the dollar upon the property so appraised and returned; and the said town council shall, on or before the first day of June, annually, determine the per centum of tax to be levied and collected upon the taxable property within said town, and cause the same to be certified to the auditor of Lorain county; the said town council shall also cause to be certified to the auditor of said county, before the first day of June, one thousand eight hundred and forty-eight, all the delinquent taxes which have heretofore been determined and levied, in pursuance of law, upon the taxable property in said town, by the corporate authorities thereof, with the penalties which have accrued thereon; and the said auditor shall place the same, the said delinquent taxes, as well as the taxes that shall hereafter be levied and certified, as aforesaid, in separate columns, upon the duplicate of taxes for said county of Lorain, in the manner in which township taxes are placed upon said duplicate; and the treasurer of Lorain county shall proceed to collect all such taxes at the same time and in the same manner as he is required by law to collect all other taxes, and, when collected, shall pay over the same to the treasurer of the said town of Oberlin; and in all their proceedings in assessing and collect-

ing said taxes, the county auditor and the county treasurer shall be governed by the laws regulating the assessment, advertisement and collection of State and county taxes, and shall be entitled to charge and receive the same compensation for their services as is allowed by law for the assessing and collecting of State and county taxes.

SEC. 3. The town council shall have power to lay out and establish, and open new streets, lanes, and alleys, within the limits of the corporation; also, to vacate streets, lanes, and alleys, subject in all cases to the law regulating the trustees of a township, in respect to streets, lanes, and alleys; they may also determine the width and location of sidewalks, and the improvements to be made upon the same within the limits of the corporation.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 28, 1848.

#### AN ACT

To repeal the act entitled "an act to prevent intemperance in Medina, Huron and Erie counties.."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to prevent intemperance in Medina, Huron and Erie counties," passed February eight, one thousand eight hundred and forty-seven, be and the same is hereby repealed; and all acts and parts of acts repealed by the passage of said act, be and the same are hereby revived.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 28, 1848.

#### AN ACT

To authorize the sale of School Section Sixteen, in township four and range nineteen, in Bloom township, Scioto county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section sixteen, in township four, range nineteen, in Bloom township, Scioto county, is hereby authorized to be sold.

SEC. 2. That no part of said land shall be sold for less than two dollars and fifty cents per acre, nor for less than the appraised value thereof.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 28, 1848.

## AN ACT

To incorporate the Lorain Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Eber W. Hubbard, Raymond Starr, Heman Ely, Luther D. Griswold, Nahum B. Gates, Ozias Long, Ebenezer Griffith, D. B. Andrews, F. B. Sandford, Horace K. Kendall, H. D. Clark, Elijah DeWitt, Henry Hubbard, William Andrews, of the county of Lorain, and all other persons who may become associated with them by subscribing to the capital stock of the company, be and they are hereby declared a body politic and corporate by the name and style of the Lorain Plank Road Company, with a capital of one hundred thousand dollars, divided into shares of fifty dollars each, for the purpose of constructing a plank road from Elyria, in Lorain county, to or near Jeromesville, in Ashland county, or to some point between said Jeromesville and Wooster, in Wayne county, with the privilege of extending said road to Loudonville, in Ashland county; and for such purpose, the provisions of the act incorporating "The Milan and Richland Plank Road Company," passed January thirty-one, one thousand eight hundred and forty-five, so far as the same are applicable to such purpose, are hereby extended to the company hereby incorporated; and said company shall be subject to the provisions of said act, as far as practicable, which provisions are hereby made a part of this act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 28, 1848.

## AN ACT

To lay out and establish a graded State road in the counties of Tuscarawas and Carroll.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John C. Rickey, of Tuscarawas county, and Samuel Dunlap, jr., and David R. Cameron, of Carroll county, be and they are hereby appointed commissioners, and James McCurry, of Carroll county, surveyor, to lay out and establish a graded State road, commencing at Magnolia, in Carroll county, and running from thence, by the way of Cameron's mill, to New Cumberland, in Tuscarawas county.

SEC. 2. That said commissioners and surveyor shall be governed by the laws now in force for laying out and establishing State roads.

SEC. 3. That the commissioners of the county in which any vacancy may occur, by death, resignation or otherwise, are hereby required to fill the same.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 28, 1848.



## AN ACT

To revive an act entitled "An act to authorize the sale of School Section Sixteen, in Rutland township, Meigs county," passed March 12, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "an act to authorize the sale of school section sixteen, in Rutland township, in the county of Meigs," passed March 12, 1844, be and the same is hereby revived and declared to be in full force.

SEC. 2. That an act entitled "an act to fix the minimum price of the sales of school lands," passed March 4, 1845, and all other acts, be and the same are hereby repealed so far as they conflict with the first section of this act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 28, 1848.

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## AN ACT

To authorize the President and Common Council of the town of Portsmouth to levy a Tax for School and other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the president and common council of the town of Portsmouth shall have power and authority to levy, annually, a tax for school and school-house building purposes, within said town, not exceeding two mills on the dollar, in addition to what they are already authorized by law to levy, of the grand list, any thing in the "act entitled 'an act to amend the act for levying taxes on all property in this State, according to its true value,'" passed February 8, 1847, or in any other act, to the contrary notwithstanding.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 28, 1848.

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## AN ACT

To lay out and establish a graded State Road in the counties of Meigs, Gallia and Jackson.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Seth Pain, Jr. of Meigs county, Zimri Wells of Gallia county, and Francis Smith of Jackson county, be and they are hereby appointed commissioners, and Martin Heckard of Meigs county, surveyor, to lay out and

establish a graded state road, commencing at Pomeroy, in Meigs county, and running from thence to Rutland, in said county; thence to Wilkesville, in Gallia county; thence, by way of Middleton, to Jackson, in Jackson county: Provided said road shall not exceed five degrees from a horizontal plane.

SEC. 2. That said commissioners and surveyor shall be governed by the laws now in force for laying out and establishing state roads.

SEC. 3. That the commissioners of the county in which any vacancy may occur, by death, resignation or otherwise, are hereby required to fill the same.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 28, 1848.

#### AN ACT

To authorize the sale of School Section Sixteen, in Auglaize township, Allen county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section sixteen, in Auglaize township, Allen county, be and the same is hereby authorized to be sold: Provided no part thereof shall sell for less than the appraised value thereof; and such sale shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three, and in accordance with the "act to fix the minimum price of the sale of school lands," passed March fourth, one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 28, 1848.

#### AN ACT

To amend the acts establishing the Wapakonnetta and Kalida and Lima and Defiance Free Turnpike Roads, in the county of Putnam.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all taxes levied for road purposes in the townships of Union and Sugarcreek, in the county of Putnam, within the following described boundaries, shall be appropriated to the construction of the Wapakonnetta and Kalida Free Turnpike Road, to wit: Bounded on the east side of said road

by a line commencing at a point where the Lima and Defiance Free Turnpike Road crosses the half section line, north and south, of section sixteen, in Union township; thence south, on said half section line, through said section sixteen, section twenty-one, section twenty-eight, and section thirty-three, in said township; thence through section four, section nine, section sixteen, section twenty-one, section twenty-eight and section thirty-three, in Sugarcreek township; and the same shall be a division line between the Wapaukonnetta and Kalida, and the Lima and Defiance free turnpike roads; and on the west side of said road, in Union and Sugarcreek townships, by the Ottawa river.

SEC. 2. That so much of the acts above recited, inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 28, 1848.

#### AN ACT

To repeal that part of the act entitled "an act to authorize Marion, and other counties therein named, to subscribe to the capital stock of certain companies to make public improvements," which relates to Delaware county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the act passed the sixth of March, eighteen hundred and forty-five, as authorizes the commissioners of Delaware county to subscribe to the stock of any or all companies therein named, and to borrow money, is hereby repealed.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 28, 1848.

#### AN ACT

To incorporate the Lafayette Fire Engine Company, No. 2, of Mount Vernon, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That James Relf, William Henderson, John Eichelbarger, Horatio S. Miller and George W. Stahl, and their associates, be and they are hereby created and declared to be a body corporate and politic, by the name of the Lafayette Fire Engine Company, Number Two, of Mount Vernon, in Knox county,

## AN ACT

To incorporate the Toledo Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That James Myers, Jesup W. Scott, Charles R. Miller, and Charles Milton Dorr, Daniel Swift, and Daniel Segur, and such other persons as shall become associated with them by subscribing to the capital stock of said company, be and they are hereby constituted and declared a body politic and corporate, with perpetual succession, by the name and style of "the Toledo Plank Road Company," for the purpose of constructing a plank road from the city of Toledo, in the county of Lucas, to such point or points in the counties of Lucas or Williams, and by such route as a majority of the directors of said company shall deem most eligible, and to make any branch or branches from the same that they may deem expedient; and for such purpose the said company is hereby authorized and empowered to have and receive, purchase and possess, enjoy and retain, lands, rents, goods, chattels and effects of any kind, and to any amount necessary to carry into effect the objects of the corporation, and the same to use, sell, alien, and dispose of at pleasure; to sue and be sued, defend and be defended in all courts having competent jurisdiction; to have and use a common seal, the same to break, alter and renew at pleasure; to ordain and establish such rules, regulations and bylaws as may be necessary for the well being of said corporation, subject, however, to the restrictions and limitations contained in this act.

SEC. 2. The capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each, transferable in entire shares, in such manner as the rules of the corporation shall hereafter prescribe, provided that no stockholder, without the consent of the directors, shall be at liberty to transfer his stock, after any installment shall be ordered, until such stockholder shall have paid the amount due on his stock.

SEC. 3. The persons named in the first section of this act, or any three of them, shall be commissioners to receive subscriptions, and do and perform all necessary acts to organize said company; and they are hereby authorized and empowered to cause books to be opened, at such times and at such places as a majority of the commissioners acting shall think proper, to receive subscriptions to the capital stock of said company. The commissioners may, if they think proper, require ten per centum of the amount of such subscription to be paid at the time it is subscribed, and each subscriber shall be bound from time to time to pay such installments on his, her or their stock as the directors may require, provided that not more than ten per centum shall be required to be paid in at any one time.

SEC. 4. That when one hundred shares shall be subscribed, the commissioners shall call a meeting of the subscribers, by causing notice of the time and place of such meeting to be published in some newspaper printed in the city of Toledo, and in general circulation in said city, for thirty days preceding the time of holding such meeting; and at such time and place, those present shall proceed to elect directors, and adopt such bylaws and regulations for the government of the corporation as shall be lawful, and as they shall deem expedient: the stockholders to vote either in person or

apprentices, of actual residents within the limits of the town corporate of Akron; with power to admit scholars from abroad, upon such terms and conditions as said board shall see fit to prescribe.

SEC. 3. That, on or before the first Monday of June in each year, it shall be the duty of the said board of education to make known to the auditor of the county of Summit the amount of tax which they may want levied for school purposes during the current year; and thereupon, it shall be the duty of said county auditor to assess the same upon the taxable property in said town of Akron, as the same appears upon the grand list; and the said tax shall be collected by the county treasurer at the same time with the State and county taxes, and in the same manner; and when collected, the amount shall be paid over to the treasurer of said board of education.

SEC. 4. That so much of the act to which this is an amendment as conflicts with the provisions of this act, be and the same is hereby repealed.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 28, 1848.

#### AN ACT

To amend an act to incorporate the town of Marietta, passed March 15, 1837.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Marietta, in the county of Washington, as lies between the Muskingum river and Duck creek, shall be one separate road district; and the road tax, levied from year to year on the property within said district, and all other money or work which now is or hereafter may be required by the laws of said State to be expended within said district, on the streets, alleys, roads and highways, be under the control, direction, and management of the town council of Marietta.

SEC. 2. The town council of said town of Marietta shall, annually, appoint one or more superintendents of streets and highways, who shall, within the limits of said road district, possess the powers, perform the duties, and incur the liabilities, which are possessed, performed, and incurred by the supervisors of roads generally. No supervisors shall hereafter be chosen for road districts numbers one, two and seven, in the township of Marietta, being the same comprehended in the district created in the first section of this act, and no supervisor of roads shall exercise any functions within the district so created.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 28, 1848.

## AN ACT

To incorporate the Toledo Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That James Myers, Jesup W. Scott, Charles R. Miller, and Charles Milton Dorr, Daniel Swift, and Daniel Segur, and such other persons as shall become associated with them by subscribing to the capital stock of said company, be and they are hereby constituted and declared a body politic and corporate, with perpetual succession, by the name and style of "the Toledo Plank Road Company," for the purpose of constructing a plank road from the city of Toledo, in the county of Lucas, to such point or points in the counties of Lucas or Williams, and by such route as a majority of the directors of said company shall deem most eligible, and to make any branch or branches from the same that they may deem expedient; and for such purpose the said company is hereby authorized and empowered to have and receive, purchase and possess, enjoy and retain, lands, rents, goods, chattels and effects of any kind, and to any amount necessary to carry into effect the objects of the corporation, and the same to use, sell, alien, and dispose of at pleasure; to sue and be sued, defend and be defended in all courts having competent jurisdiction; to have and use a common seal, the same to break, alter and renew at pleasure; to ordain and establish such rules, regulations and bylaws as may be necessary for the well being of said corporation, subject, however, to the restrictions and limitations contained in this act.

SEC. 2. The capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each, transferable in entire shares, in such manner as the rules of the corporation shall hereafter prescribe, provided that no stockholder, without the consent of the directors, shall be at liberty to transfer his stock, after any installment shall be ordered, until such stockholder shall have paid the amount due on his stock.

SEC. 3. The persons named in the first section of this act, or any three of them, shall be commissioners to receive subscriptions, and do and perform all necessary acts to organize said company; and they are hereby authorized and empowered to cause books to be opened, at such times and at such places as a majority of the commissioners acting shall think proper, to receive subscriptions to the capital stock of said company. The commissioners may, if they think proper, require ten per centum of the amount of such subscription to be paid at the time it is subscribed, and each subscriber shall be bound from time to time to pay such installments on his, her or their stock as the directors may require, provided that not more than ten per centum shall be required to be paid in at any one time.

SEC. 4. That when one hundred shares shall be subscribed, the commissioners shall call a meeting of the subscribers, by causing notice of the time and place of such meeting to be published in some newspaper printed in the city of Toledo, and in general circulation in said city, for thirty days preceding the time of holding such meeting; and at such time and place, those present shall proceed to elect directors, and adopt such bylaws and regulations for the government of the corporation as shall be lawful, and as they shall deem expedient: the stockholders to vote either in person or

by proxy, each stockholder being entitled to one vote for each share of stock he may hold in said company.

SEC. 5. The affairs of said company shall be governed by five directors, or a majority of them, who shall be elected once in two years, unless a shorter period shall be prescribed by the bylaws of said company, who shall hold their offices until their successors shall be chosen and qualified; and each director shall be a stockholder at the time of his election, and shall cease to be a director when he shall cease to be a stockholder; the directors shall have power to fill all vacancies in their board which shall happen by death, removal or otherwise.

SEC. 6. The directors, before entering upon the duties of their office, shall take an oath or affirmation faithfully and impartially to discharge their duties. They shall choose a president from among their number, and shall appoint such officers, agents and superintendents as they shall think proper; they shall determine upon the amount of any bonds they may see fit to exact from any officer, and pass upon their sufficiency; prescribe the amount of any installment to be paid upon subscriptions, and the mode and manner of enforcing payment of any such subscriptions, and take the general charge and supervision of the affairs of said company.

SEC. 7. It shall be lawful for said directors to enter upon and take possession of any lands, roads, streets, alleys, stone, timber and earth necessary for the laying and construction of said plank road and necessary appurtenances and appendages thereto, doing no unnecessary damage; and if it shall be necessary to enter upon any lands other than public highways for the right of way and materials for the construction and repair of said road, said company shall, in all respects, be governed by the provisions of an act entitled "an act for the regulation of turnpike companies," passed March eleventh, one thousand eight hundred and forty-three; and provided further, that said company shall not take more than sixty-six feet in width for said road.

SEC. 8. Whenever said company shall have constructed said road by covering the same not less than seven feet wide, with plank at least two inches thick, the same shall forever thereafter be and remain a public highway, free for the passage of animals, teams and travelers of every description, on the payment of such toll as the board of directors may, from time to time, establish: Provided, that if said company shall deem it for their interest so to do, they are hereby authorized to construct said road not less than seven feet wide of plank on one side of the road, and the remainder of the road, or enough of the same to form a good wagon track, to turnpike up on a level with the plank; and if said company shall deem it for their interest so to do, they are hereby authorized to cover said road, or any part thereof, with gravel or stone, not less than nine inches in thickness, instead of covering the same with plank, as aforesaid.

SEC. 9. In consideration of the expenses which said company will necessarily incur in constructing said road, the same, with all its appurtenances, together with all profits and tolls arising therefrom, are hereby vested in said corporation.

SEC. 10. Whenever any five miles of said road shall be completed according to the true intent and meaning of this act, the president and directors shall have power to erect gates thereon, and ordain and establish

a rate of tolls, which shall be levied upon all animals, teams, and property of every description passing on said road, and shall be paid by the owner or owners thereof; and for the collection of said tolls they shall appoint collectors, and erect gates and toll houses, and may ask, demand and receive the said tolls under this act: provided, however, that they shall in no case exceed the rates now charged on the Western Reserve and Maumee Road.

SEC. 11. The said company shall be entitled to the benefit of all laws for the benefit of turnpike roads and the collection of tolls, which have been or may be enacted by the General Assembly of this State.

SEC. 12. The said company may at any time contract debts or liabilities to the amount of stock of said company, at such time actually subscribed by responsible stockholders, remaining unexpended and payable within three years from the time of contracting said debts or liabilities, and inclusive of such profits or income as may be reasonably expected to accrue within two years from the time of so contracting.

SEC. 13. That the common council of the city of Toledo is hereby authorized to subscribe to the capital stock of said company, any sum not to exceed twenty-five thousand dollars: and the trustees of any township through which, or in the vicinity of which said road may be located, are hereby authorized to subscribe any sum not exceeding three thousand dollars to the capital stock of said company; and, for the purpose aforesaid, the council and trustees are hereby authorized to borrow money, or issue bonds or orders, at a rate of interest not exceeding six per centum per annum, on the credit of such city or township, and for the final payment of such principal sum with the interest thereon, to pledge the faith of said city or township; they shall levy and collect, annually, such taxes as, together with the tolls arising from said stock, will pay the interest of such loan or orders, and other incidental charges connected therewith; and at the end of five years, the said city council and the said townships shall levy a tax sufficient to pay one-half of the principal of said bonds, and at the end of ten years, a further tax sufficient to pay the balance of said bonds: Provided, they may at any time sell said stock for the purpose of paying off said bonds or indebtedness, but for no other purpose; and the said township taxes shall be placed upon the county duplicate and collected as in other cases, and the proceeds be held by the county treasurer, subject to the control of the township trustees.

SEC. 14. That no subscription shall be made by said city council, or the trustees of any township, without the assent of the people of said city or township, which assent shall be obtained as follows: The common council of said city, and the trustees of such township, shall give at least twenty days' notice, previous to the next annual election of city officers in said city, and of the annual election in said township, that a vote will be taken, at such election, on the question of making such subscription as aforesaid; which notice by the city council shall be published in some newspaper printed therein, and by the township trustees shall be posted in three of the most public places in such townships; and the qualified electors of said city and township shall, at said elections, vote, by ballot, "for subscription," or "against subscription;" and if "for subscription," they shall indicate on their ballots, in said city, whether for fifteen thousand dollars, twenty thousand dollars, or twenty-five thousand dollars, and in the townships whether



for one thousand dollars, two thousand dollars, or three thousand dollars; and it shall be the duty of the council of said city, and of the trustees of said townships, to provide a convenient and separate box, for each ward and township, to receive such ballots, and the voting thereat shall be conducted and regulated as at the election for city and township officers, under the supervision of the judges thereof.

SEC. 15. The judges of the election in the different wards of said city, shall transmit a certified return of said ballotings, within two days thereafter, to the city clerk; and the judges of the election in the said several townships shall transmit certified returns of said ballotings, in said townships, to the auditor of their respective counties, within two days thereafter; and if it shall appear that a majority of said ballots, in said city or in any of said townships, is in favor of a subscription, then the said city council, and the said township trustees, shall make said subscription, and borrow money or issue bonds or warrants for that purpose, but not otherwise, and for the sum having the largest number of votes; and if from any cause said vote shall not be taken, or if the majority of votes in any city or township shall be against subscription, the question shall be again submitted, in like manner, at the annual fall election for State and county officers, on the second Tuesday of October next, and if the voters shall then decide in favor of subscription, the city council or the township trustees shall make such subscription as herein provided for; and the said bonds or warrants, and the interest thereon, shall be made payable at such place or places as may be designated by the city council, or the township trustees of the respective townships: Provided, also, that if it should be deemed expedient, and the vote should not be taken at the spring elections, a special election may be called by the city council, or the trustees of any township, by giving twenty days' previous notice, and which election shall be governed in other respects as herein provided for.

SEC. 16. Whenever the bonds or warrants, or other evidence of indebtedness, issued by said city or township in pursuance of the provisions herein contained, shall not be paid at the times they fall due, or the annual interest thereon shall not be promptly paid, it shall be the duty of the county auditor, on application of any creditor, to assess said principal and interest due from said city or township, and place the same upon the duplicate to be collected by the treasurer of the county with the other taxes.

SEC. 17. In assessing property for the purposes mentioned in the foregoing section, the county auditor shall adopt the valuation established for State and county purposes for the time being; and to compensate him and the county treasurer for the extra labor herein imposed, they shall be allowed the same as is allowed for the collection of township taxes.

SEC. 18. It shall be the duty of the county treasurer to pay the said evidence of indebtedness of city or townships over-due, in the order in which they are demanded, as fast as the money collected will enable him, and to make a full exhibit of receipts and payments, on the first Monday of March after the duplicate shall have been placed in his hands, to the county auditor, and also to the city council and the township trustees.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 28, 1848.

## AN ACT

Further to amend the act incorporating the Milan Canal Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the stockholders of the Milan Canal Company, at any regular or special meeting of said stockholders, by a vote of a majority in interest of said stockholders, to sink the stock heretofore owned by the State in said company, thereby reducing the capital stock of said company to fifty thousand dollars.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 29, 1848.

## AN ACT

To amend the "act incorporating the Cincinnati Classical Academy."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the corporate name of the Cincinnati Classical Academy, in Cincinnati, Hamilton county, be and the same is hereby changed to that of St. John's College.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 29, 1848.

## AN ACT

To amend an act entitled "an act to lay out and establish a free turnpike road from Locust Point, in Ottawa county, to the Madree and Western Reserve Road, in Sandusky county," passed February 8, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the act to which this is an amendment as appropriates the taxes for road purposes, to be paid by actual residents residing on lands lying more than one half mile east of the line of said road, and in the county of Sandusky, who may choose to work out such tax under their respective supervisors for said road, be and the same is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 29, 1848.

## AN ACT

To incorporate the town of West Elkton, in the county of Preble.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Gratis, in the county of Preble, as is included in the recorded plat of the town of West Elkton, or that may hereafter be included in the town plat of said town, is hereby created a town corporate, to be known and designated by the name of West Elkton; and by that name shall be a body corporate and politic, with perpetual succession, and shall be entitled to all the privileges and subject to all the restrictions of the act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty-nine, and the several acts amendatory thereto, and relating to incorporated towns.

SEC. 2. This act shall take effect from its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 29, 1848.

## AN ACT

To repeal an act entitled "an act to incorporate the town of Patriot, in the county of Gallia," passed March 12, 1839.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "an act to incorporate the town of Patriot, in the county of Gallia," passed March twelfth, one thousand eight hundred and thirty-nine, be and the same is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 29, 1848.

## AN ACT

To amend an act passed March 4, 1844, "to establish a free turnpike road from Columbus to Bellefontaine."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That three days' notice shall be given to all persons residents within the bounds of said road, their agent or attorney, if within said bounds, of the time and place they are required to perform the labor provided for in the fifth section of the act to which this is an amendment.

SEC. 2. That, for each day's labor performed by the taxpayers, their agent or agents, they shall be allowed seventy-five cents per day; and the said commissioners or their agent shall require the same to be performed between the first of April and the first of September, annually.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 29, 1848.

#### AN ACT

To authorize the sale of School Lands in Brown township, Paulding county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all school lands belonging to the township of Brown, Paulding county, be and the same are hereby authorized to be sold: Provided, no part thereof shall be sold for less than two dollars and fifty cents per acre, or the appraised value thereof; and such sale shall, in all other respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three; the "act to fix the minimum price of the sale of school lands," passed March fourth, one thousand eight hundred and forty-five, to the contrary notwithstanding.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 29, 1848.

#### AN ACT

To incorporate the "Crawford, Seneca and Erie" and "Monroeville" Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That William Miller, Samuel Peterman, and George Lauk, of Crawford county; John Miller, Gilbert Ashley, and William Miller, of the county of Seneca; David Weaver, Winthrop Ballard, and Anson Raymond, of Huron county; Thomas Morgan, George Reber, and L. S. Hubbard, of the county of Erie; and all other persons who may become associated with them by subscribing to the capital stock of the company, be and they are hereby declared a body politic and corporate by the name and style of the Crawford, Seneca and Erie Plank Road Company, with a capital stock of one hundred thousand dollars, divided into shares of fifty dollars each, for the purpose of constructing a plank road from Bucyrus, in Crawford

county, to Sandusky, in Erie county; and, for such purposes, the provisions of the act incorporating the Milan and Richland Plank Road Company, passed January thirty-one, one thousand eight hundred and forty-five, and the amendment thereto, passed March eleven, one thousand eight hundred and forty-five, so far as the same is applicable to such purpose, is hereby extended to this company, and this company is hereby subjected to the provisions of said act.

SEC. 2. That David Weaver, Alanson Raymond, Edward Baker, Lewis Zahen, Isaac Smith, T. M. Cook, and Alpha H. Shaw, of Huron county; John F. Day, and James P. Gay, of the county of Erie, and all other persons who may become associated with them by subscribing to the capital stock of the company, be and they are hereby declared a body corporate and politic by the name and style of the "Monroeville Plank Road Company," with a capital stock of thirty thousand dollars, divided into shares of fifty dollars each, for the purpose of constructing a plank road from the house of David Weaver, in Huron county, on the Columbus and Sandusky turnpike, to Milan, in Erie county; and for such purpose, the provisions of the first section of this act are hereby extended to this company, and this company is hereby subjected thereto.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 27, 1848.

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#### AN ACT

To authorize the sale of School Section Sixteen, in St. Mary's township, Mercer county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section sixteen, in St. Mary's township, Mercer county, be and the same is hereby authorized to be sold: Provided, no part thereof shall sell for less than the appraised value thereof; and such sale shall, in all respects be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three, and in accordance with the "act to fix the minimum price of the sale of school lands," passed March fourth, one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 29, 1848.

## AN ACT

To revive and continue in force the provisions of an act entitled "An act to amend an act to incorporate the Portsmouth Drydock and Steamboat Basin Company," passed February 14, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the provisions of an act entitled "an act to amend an act to incorporate the Portsmouth Drydock and Steamboat Basin Company," passed February 14, 1846, be and the same are hereby revived, and to be and remain in force until the first day of January, 1849.

SEC. 2. That this act be in force from and after the passage thereof.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 29, 1848.

## AN ACT

To change the name of the town of New Hope, in the county of Preble, to that of Upshur, and to incorporate the same.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Jackson, in the county of Preble, as is included in the recorded plat of the town of New Hope, together with the following premises, to wit: all the lots laid out by Daniel Hawk, on the Dayton and Western Turnpike Road, including George Boyer's tavern stand, on the south side of said turnpike, together with so much land as will be contained in ten poles south from said turnpike, and extending the same width, parallel with the turnpike, to Jacob Swain's western boundary line; also, all the lots contained in the recorded plat of Abraham Leedy's addition to the town of New Hope; and also, all the lots included in the recorded plat of Jacob Cline's addition to the town of New Hope, be and the same are hereby created a town corporate, to be known and designated by the name of the town of Upshur, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 2. That said town of Upshur shall be entitled to all the privileges and subject to all the restrictions of the act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty-nine, and the acts amendatory thereto.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 29, 1848.

## AN ACT

To incorporate the Milton and Darke County Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Ditmen, Riley Davis, John Hasket, David Coat and Joseph Potter, of the county of Miami; and John Colville, Abraham Huffer, Joel Thomas and George Gable, of the county of Darke, and their associates, be and they are hereby created a body corporate, under the name of the Milton and Darke County Turnpike Road Company, for the purpose of constructing a turnpike road from the village of Milton, in Miami county, to intersect the State road leading from Greenville, through Ithaca, in Darke county, at Ithaca, or at the most eligible point in said road; which company shall have all the rights, privileges and powers, and be subject to all the restrictions, defined in the act to provide for the regulation of turnpike companies passed January seventh, one thousand eight hundred [and] seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. That the capital stock of said company may be twenty thousand dollars, divided into shares of twenty-five dollars each.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 29, 1848.

## AN ACT

To repeal the act entitled "an act for the support and better regulation of common Schools in school district number one, in Ravenna," and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act for the support and better regulation of common schools in school district number one, in Ravenna," passed February eight, eighteen hundred and forty-seven, be and the same is hereby repealed: Provided, that the board of education, named in said act as already elected, shall retain all necessary power and authority to adjust and settle up all claims now due, or hereafter to become due by virtue of existing contracts, made by and with said board for any purpose whatsoever, and to this end shall have power to receive, through their treasurer, from the treasurer of the county, all moneys by him collected or received, or which is now in the course of collection, for the benefit of the schools under their supervision.

SEC. 2. If any money shall remain in said district treasury after discharging all the liabilities of said board of education, as aforesaid, there shall be, by said board, in the first instance, appropriated and refunded to the township treasurer any sum or sums that may have been drawn out of

his hands for the use of said district number one, being moneys belonging to the several districts and parts of districts which were consolidated by the provisions of the above recited act; and the moneys so refunded shall be held by said township treasurer for the use of said original school districts, respectively. The residue of said moneys, if any, shall be divided among the taxpayers of said district, pro rata.

SEC. 3. That the several school districts, consolidated as aforesaid, be and the same are hereby restored to the same limits, and invested with the same rights they possessed prior to the passage of the act hereby repealed; and the trustees of the township of Ravenna are hereby authorized and required, at their annual meeting on the first Monday in March next, to appoint in each of the districts so restored, wherein directors have not been chosen for the current year, three directors, who shall perform all the duties required by law of directors of common schools, in their respective districts, and remain in office until the next annual election of directors, or until their successors are chosen and qualified.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 29, 1848.

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#### AN ACT

To amend the act entitled "an act to incorporate the town of Washington, in the county of Guernsey," passed March 5, 1839, and the act amendatory thereto, passed March 5, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the town of Washington, in Guernsey county, shall, annually, on or before the first Monday in March, determine, and furnish the county auditor in writing, the rate of taxation required for corporation purposes for the next ensuing year, not exceeding, in any one year, the rate of one cent on the dollar of the value of the taxable property within the corporate limits of said town, as appears by the grand levy for such year; and the auditor of said county shall, in addition to the amount of taxes levied upon the taxable property within the corporate limits of said town, for State, county, and other purposes, levy thereon the amount required for corporation purposes; and the same shall be collected by the county treasurer, in the same manner that the State and county taxes are now collected, and pay over all such moneys to the treasurer of said corporation, on the order of the recorder thereof; and the treasurer of such county shall be allowed, for collecting such tax, the same fees as are allowed for the collection of State and county taxes: Provided, that, in determining the per centage to be allowed such county treasurer for taxes collected under this act, [it] shall come under the lowest rate per cent. allowed such treasurer for the collection of taxes for State and county purposes, and shall be paid out of said corporation fund.



SEC. 2. That so much of the act entitled "an act to incorporate the town of Washington, in the county of Guernsey," passed March fifth, one thousand eight hundred and thirty-nine, and the act amendatory thereto, passed March fifth, one thousand eight hundred and forty-four, and all other parts of said act conflicting with the provisions of this act, be and the same is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 29, 1848.

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AN ACT

To authorize the Commissioners of Ashland and Richland counties to contract for the admission of the paupers of Ashland county into the poor house of Richland county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the commissioners of Ashland county, and the commissioners of Richland county, to enter into such a contract as to them shall seem right and proper, whereby the paupers of Ashland county may be admitted into the poor house of Richland county.

SEC. 2. That whenever the commissioners of the said counties of Ashland and Richland shall agree upon the terms for the admission of any pauper or paupers of the county of Ashland into the Richland county poor house, they shall forthwith reduce said contract to writing, and sign and seal the same, and deposit said contract with the auditor of Richland county, whose duty it shall be forthwith to make out a certified copy of the same and transmit it to the auditor of Ashland county, which contract and certified copy shall be by said auditors respectively placed on file in their offices, and carefully preserved.

SEC. 3. That no pauper shall be admitted into said poor house under the provisions of this act, except where it shall appear that said pauper has fully complied with the provisions of the ninth section of the act entitled "an act to authorize the establishment of poor houses," passed March eighth, one thousand eight hundred and thirty-one; and when so admitted, shall be governed in all respects by the provisions of said last mentioned act, and the act entitled "an act to provide for the election of directors of the poor," passed March fifth, one thousand eight hundred and forty-two.

SEC. 4. That in case it shall so happen that the poor house of said Richland county shall not be sufficiently large to contain all the paupers of the counties of Ashland and Richland who may be legally entitled to admission therein, then this act shall be so construed as to give the paupers of Richland county preference over the paupers of Ashland county; and in case it shall become necessary for the directors of the poor house of said Richland county to discharge any pauper who may have been received from said Ashland county, in order to make room for any pauper from said Rich-

land county, previous to the expiration of the time for which such pauper may have been received and contracted for, it shall not be considered a breach of the contract on the part of the county of Richland; but the commissioners of the county of Ashland shall only be bound to pay for the time such pauper may have been in such poor house, in proportion to the whole time for which such pauper was originally admitted.

SEC. 5. That all moneys accruing to the county of Richland, in pursuance of any contract entered into under the provisions of this act, shall be expended by the proper officers for the improvement of the farm on which said poor house is situated, for the payment of superintendents, for repairs of the buildings on said farm, or any other object connected with the said poor house, under the direction of the board of directors; and a list of the receipts and expenditures, under the provisions of this act, shall be reported, annually, by the board of directors to the commissioners of said Richland county, in the same manner as they are now compelled to report the receipts and expenditures of said poor house, under the provisions of the sixth section of the act entitled "an act to authorize the establishment of poor houses," passed March eighth, one thousand eight hundred and thirty-one.

SEC. 6. This act shall take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 29, 1848.

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#### AN ACT

To amend the act for the support and better regulation of the Public Schools in the town of Zanesville, passed March 12, 1839.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the six school directors for the town of Zanesville, provided for in the act to which this is amendatory, shall be hereafter elected at the time and in the manner now, or which may hereafter be prescribed, for the election of the mayor, recorder and other officers of said town.

SEC. 2. Two only of said directors shall be elected each year; the two who may be elected in the spring of 1848, shall not enter upon the duties of their office until the expiration of the term of the present incumbents, whose term expires in 1848; the two who may be elected in the spring of 1849, shall not enter upon the duties of their office until the expiration of the present incumbents whose term expires in 1849; and the two who may be elected in the spring of 1850, shall not enter upon the duties of their office until the expiration of the term of the present incumbents, whose term expires in 1850.

SEC. 3. A treasurer shall be appointed by the board from their own number or not, as they may deem expedient: he shall hold his office for three years, and give bond as required by the act to which this is amendatory: he shall be removable by the board, and may be required to account at such periods as the board may prescribe.

SEC. 4. The township assessor, in assessing annually the property in Zanesville township, shall assess that which lies within the corporate limits of the town of Zanesville, separate from that which is not included within such corporate limits, and shall return the same to the county auditor, in separate alphabetical abstracts; and it shall be the duty of the town council of the town of Zanesville, to cause the boundary line of the corporation to be accurately marked for the guidance of the assessor.

SEC. 5. The annual examination of the public schools of the town of Zanesville shall be at such time as the board of education shall think proper, of which, notice shall be given by publication in some newspaper printed in said town.

SEC. 6. So much of the act to which this is amendatory, as conflicts with the provisions of this act, is hereby repealed.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 2, 1848.

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#### AN ACT

To authorize the Town Council of the town of Greenville, in Darke county, to subscribe to the capital stock of the Greenville and Miami Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the town of Greenville, in the county of Darke, be and is hereby fully authorized to subscribe to the capital stock of the Greenville and Miami Railroad Company, to any amount not exceeding ten thousand dollars; and the stock, so subscribed, shall be under the control of the said town council in all respects as stock owned by individuals.

SEC. 2. That, for the payment of said subscription, the said town council is hereby authorized to issue the bonds of said corporation, under the corporate seal thereof, in sums not less than one hundred dollars each, payable at such times and places, and with such rate of interest, not exceeding seven per centum per annum, as to said council may seem proper.

SEC. 3. Whenever any loans shall be made under the provisions of this act, it shall be the duty of said town council to levy a tax sufficient to pay the interest thereon; and shall annually levy a sufficient tax, with the dividends on said stock, to pay the interest on all such loans; and, for the

punctual payment of such interest, the said dividends and the whole of the revenues of said town shall stand irrevocably pledged; such tax shall be assessed and collected in the manner provided in the charter of said town for the assessment and collection of corporation taxes.

SEC. 4. The said town council may also create a sinking fund for the final redemption of the obligations contracted by reason of the powers granted by this act; and, for that purpose, may levy a tax in addition to that provided for in the preceding section, to be collected in the same manner.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

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AN ACT

To amend the act entitled "An act to incorporate the town of Cuyahoga Falls, in the county of Portage," passed March 5, 1836.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the taking effect of this act, it shall not be lawful for the marshal of the town of Cuyahoga Falls, in the county of Summit, to sell lands delinquent for the nonpayment of taxes assessed by the town council of said town; but he shall make return of such delinquencies to the auditor of the county of Summit, who shall enter the same in the list of lands delinquent for the nonpayment of taxes in his office; and the same proceedings shall be had thereon to enforce the collection of such corporation taxes by sale of the lands, or otherwise, as are had in reference to lands delinquent for State or county taxes, and at the same times and places.

SEC. 2. The funds derived from such corporation delinquent list, shall be by the treasurer of said county of Summit, paid over to the treasurer of said corporation of the town of Cuyahoga Falls, on his demand at any time after the collection of the same, reserving the same rate of fees as are or may be allowed by law, for collecting the last thousand dollars of tax for State and county purposes. This act shall take effect and be in force from and after the first day of May next.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

## AN ACT

To incorporate the Hanover and Reily Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Alexander Ogle, Daniel Zortman, Thomas Lindley, James Ross, Gideon Wilkinson, and Valentine Chase, and their associates and successors, be and they hereby are constituted a body politic and corporate under the name of the Hanover and Reily Turnpike Company, for the purpose of constructing a turnpike road from a point at Stilwell's, in Butler county, where the Oxford branch of the Hamilton, Rossville, Darrrtown, Oxford and Fairhaven Turnpike Road intersects the Colerain, Oxford and Brookville Turnpike Road; thence westwardly to the east boundary line of the State of Indiana, as near the northwest corner of Reily township, in said county of Butler, as the company may deem practicable; which company shall be entitled to exercise and have all the powers, rights and privileges granted, and be subject to all the restrictions imposed by the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except so far as the same may be changed or modified by the provisions of this act.

SEC. 2. The capital stock of the said company shall not exceed sixteen thousand dollars, and shall be divided into shares of twenty-five dollars each.

SEC. 3. The said company shall have a right to lay out and establish the said turnpike road over any part of the county road or roads between the points mentioned in the first section of this act, and appropriate the same to their own use; and such parts of any county road as shall be occupied, shall, from the time such turnpike road shall be completed, be deemed vacated.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

## AN ACT

To incorporate the "Toledo Fire and Marine Insurance Company."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Edward Haskell, Willard J. Daniels, Thomas Watkins Jr., Daniel Swift, James Myers, John H. Whitaker, Richard Mott, Samuel B. Scott, and Decius Wadsworth, and the subscribers to the stock of their association, and their successors, shall be and are hereby declared to be a body politic and corporate by the name and style of the "Toledo Fire and Marine Insurance Company," to be located at Toledo, in the county of

Lucas, and by that name shall have perpetual succession, and be capable in law to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and elsewhere, with full authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed unto said company for the security or in payment of any debt which may become due and owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favor; and to make and use a common seal, and the same to alter and renew at their pleasure; and generally to do and perform all things relating to the objects of this institution, which now is or shall be lawful for any individual or body politic or corporate to do.

SEC. 2. That the capital stock of this company shall be fifty thousand dollars, which may be increased at the will of the stockholders, to two hundred and fifty thousand dollars, to be divided into one thousand shares of fifty dollars each, and the number of shares to be increased with the increase of the stock of said company, in shares of fifty dollars each. At the time of subscribing there shall be paid in, on each share, five dollars, and the balance on each shall be subject to the call of the directors, and shall be secured by indorsed notes, payable on demand, or other property or stocks, to be approved by the president and directors for the time being; the said security shall be renewed whenever the directors may consider it necessary and proper; and any stockholder who shall neglect or refuse to renew his security, or shall neglect or refuse to pay an installment, when required by the directors, shall forfeit all his interest in the company, and shall be held liable for his proportion of any loss which may have accrued previous to such neglect or refusal.

SEC. 3. That should any forfeiture occur, it may be remitted by a majority of the whole board of directors present at the meeting at which the motion for said remission shall be made or acted upon, upon the payment by the person incurring a forfeiture of the principal of said installment, and the interest thereupon up to the time of such payment; and also of his proportion of such loss as may have been incurred previous to such forfeiture.

SEC. 4. That so soon as six hundred shares are subscribed for, and paid or secured to be paid, the company shall be competent to transact all kinds of business for which it is established.

SEC. 5. That transfers of stock may be made by any stockholder or his legal representatives, subject to such restrictions as the board of directors shall, from time to time, make and establish.

SEC. 6. That the affairs of the company shall be managed by seven directors, all of whom shall be stockholders, to be elected as follows: The stockholders composing this association shall hold a meeting for the first election of directors, within one month after the amount of six hundred shares of stock shall be subscribed for, and on the first Monday in June in each and every year thereafter, and choose by ballot seven directors from among the stockholders, and each stockholder shall have one vote for each share of stock, which may be cast by the stockholder in person, or by proxy duly authorized; and the directors so chosen shall serve to the first Monday

in June, one thousand eight hundred and forty-nine, and until others are chosen; at their first meeting after every election they shall choose, by ballot, a president from among themselves, and in case of death or disability of the president, the directors shall fill the vacancy by ballot as before; and in case of a vacancy in the board of directors, it shall be filled by the directors from the stockholders for the remainder of the year.

SEC. 7. That the corporation herein and hereby created, shall have full power and lawful authority to insure all kinds of property against damage or loss by fire, water and inland navigation upon rivers, lakes or canals; to make all kinds of insurance upon life or lives, to cause themselves to be insured against any loss or risk they may have incurred in the course of business, and generally to do and perform all other necessary matters and things connected with and proper to promote those objects.

SEC. 8. That it shall be lawful for said company to invest any part of their capital stock, money, funds or other property, in any public stocks in the United States, or this or any other particular State, and the same to sell and transfer at pleasure, and again to invest the same, or any part thereof, as often as a due regard to the safety of its funds shall require; or they may loan the same, or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time, and under such restrictions and limitations as the directors for the time being shall deem prudent and best for the interests of said company: Provided, that it shall not be lawful for said corporation to use or employ any part of their capital stock, money or other funds in buying or selling goods, wares or merchandise, nor in the trade or business of exchange or money brokers; nor shall said company issue or emit any bills of credit as a circulating medium of trade or exchange, nor in any manner engage in the business or operations of banking other than the usual power to make deposits of money.

SEC. 9. That the president and directors shall declare such dividends of the profits of the business of the company as shall not impair, nor in any wise lessen the capital stock of the same; the dividends shall be made half yearly on the first Monday in June and December, and shall be paid to the stockholders ten days thereafter; but no dividend shall be paid to any stockholder whose stock is delinquent.

SEC. 10. That every house or other building insured by this company, that shall be destroyed by fire from the first floor upwards, shall be deemed demolished, and the directors in such case shall order the money insured thereon to be paid in sixty days after due notice is given of the loss aforesaid.

SEC. 11. That in case of a partial destruction by fire, the loss shall be determined by assessors, appointed as follows: The person whose property is insured, shall have the privilege of choosing one disinterested person, the board of directors of this company shall select another; should these two persons disagree in their valuation of a loss, they shall select another disinterested person, and their award shall be final.

SEC. 12. That the president and directors shall have power and authority to appoint a secretary, and such other clerks and officers under them as shall be necessary for transacting the business of said institution,

and may allow them such salaries as they shall judge reasonable ; to ordain and establish such bylaws, ordinances and regulations as shall appear to them necessary for regulating and conducting the concerns of said institution, not being contrary to or inconsistent with this act, the constitution and laws of this State and of the United States ; they shall keep full, fair and correct entries of their transactions, which shall be at all times open to the inspection of the stockholders.

SEC. 13. That the stock of this institution may be assigned and transferred on the books of the company in person or by power of attorney ; but no stockholder indebted to the company shall be permitted to make any transfer, or receive any dividend until such debt is paid or secured to the satisfaction of the president and board of directors.

SEC. 14. That the president and directors may call a general meeting of the stockholders for any purpose relative to the affairs of the institution, giving at least two weeks' notice thereof in some newspaper printed in Toledo, or in some newspaper in general circulation in the county of Lucas.

SEC. 15. That should it so happen, for any cause whatsoever, that the annual election of directors should not take place in any year on the day hereinbefore mentioned for that purpose, this corporation shall not be for that reason dissolved ; but such election may be lawfully held on such other convenient day within six months thereafter, as may for that purpose be fixed on by the president and directors, they causing twenty days' notice thereof to be given in one or more of the newspapers printed in Toledo, or in some newspaper in general circulation therein.

SEC. 16. That all policies or contracts of insurance that may be made or entered into by said corporation, shall be subscribed by the president, or by such other officer as shall be designated for that purpose by the bylaws of said institution, and attested by the secretary ; and being so signed and attested, shall be binding and obligatory on said corporation, according [to] the tenor, intent and meaning of such policies or contracts.

SEC. 17. That Daniel Swift, Valentine H. Ketcham, Denison B. Smith, John Brownlee, Thomas Watkins Jr., Thomas W. Bradbury, Henry P. Espy, Edward Haskell, and ——— or a majority of them, are hereby appointed commissioners to open books for subscription, and superintend the business of the subscribers until a board of directors shall be elected ; that this act shall be taken and received in all courts and by all judges, magistrates and other public officers as a public act, and all printed copies of the same, which may be printed by or under the authority of the General Assembly of this State, shall be admitted as good evidence thereof without any other proof whatever.

SEC. 18. This act to take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.



## AN ACT

To appoint commissioners to lay out and establish a Free Turnpike Road from or near the centre of Washington township, Defiance county, to the Indiana State line.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jacob Conkey, Chancy P. Lowry and D. Campbell, are hereby appointed commissioners to lay out and establish a free turnpike road, commencing where the Hicksville and Evansport state road crosses the Ottawa and Defiance free turnpike road, in Washington township, Defiance county; running thence directly west, on the section line, to the Indiana state line; said road to be called the Washington, Farmer and Milford Free Turnpike Road.

SEC. 2. That the taxes for road purposes, for one mile on the south side of said road, and one mile on the north side, are hereby appropriated for the building of said road: Provided, this act shall not appropriate taxes belonging to any other free turnpike road already located.

SEC. 3. Said commissioners shall in all respects be governed by an act regulating free turnpike roads, passed March twelfth, one thousand eight hundred and forty-five, and the acts amendatory thereto.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

## AN ACT

To incorporate the Clark and Union Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Asa Woodworth, James E. Harriott, Cyprian Lee, Bill Welsh, William Gabriel, Andrew Keyes, David Burnham, John Reid, third, and William B. Irwin, of Union county; Obed Hor, Richard D. Williams and John Owens, of Champaign county; and Henry Runyon, John H. Cartwell, William H. Harris, James Jones, William Baldwin, Hugh Willson, John Clark, Jeremiah Yeazel, Henry J. Williamson, Benj. Warder, David King, Caleb Barrett, J. B. Leigh, Zebedee Tuttle and Joseph Wilkinson, of Clark county, and their associates and successors, be and they are hereby created a body politic and corporate by the name of the Clark and Union Turnpike Company, for the purpose of constructing a turnpike road from Springfield, in Clark county, by the best route, to Mechanicsburg, in Champaign county; and thence to Milford, in Union county; and thence to Marysville, in Union county; which company shall have all the privileges, rights and powers, and be subject to all the restrictions defined in the "act to provide for the regulation of turnpike road companies," passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except so far as the same may be modified or changed by the provisions of this act.

SEC. 2. The capital stock of said company shall be an amount sufficient to construct said turnpike road, divided into shares of twenty-five dollars each.

SEC. 3. For the purpose of enabling said company to make said road, and afterwards to keep the same in repair, the said company and their agents are hereby authorized to enter upon any unimproved land, and also upon any improved land, unincumbered by a crop, near or adjoining said road, and dig or quarry and carry away any stone, gravel or sand which may be necessary to complete or keep in repair said road.

SEC. 4. If any difference shall arise between said company or their agents and the owner or occupier of any such land as the said company or their agents shall enter upon, to obtain materials as aforesaid, as to the amount of damages done in procuring such materials as shall be taken for the said road, the same shall be determined by three disinterested freeholders of the county, to be chosen one by each party, and the two so chosen to choose a third; and the amount so allowed by such arbitrators shall be paid by said company. But if such owner or owners, or said company, shall refuse or neglect to join in such choice, it shall be lawful for the other party to apply to any justice of the peace of the township in which the land may be, whose duty it shall be, upon such application, to appoint three disinterested freeholders for the purposes aforesaid.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

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#### AN ACT

To amend the act entitled "an act to incorporate the town of Akron, in the county of Portage," passed March 12, 1836.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of Akron, in the county of Summit, shall not be authorized to levy a tax in any one year exceeding one mill on the dollar, on the property assessed for taxation within the corporate limits of the town of Akron for corporate purposes, not including taxes assessed for the purposes of grading, paving, or otherwise improving the streets, alleys and lanes within said corporation.

SEC. 2. That all taxes levied by said town council of Akron, for the purpose of grading, paving, or otherwise improving the streets, alleys or lanes, within the corporate limits aforesaid, shall be levied on the real property or estate within said corporation; and all taxes assessed for the purposes last enumerated, shall be applied as follows, to wit: Such taxes as are levied on property situate in South Akron, shall be expended in the improvements of streets, alleys and lanes in said South Akron; and such taxes levied for the purposes aforesaid, in North Akron, shall be expended upon the streets, alleys and lanes in North Akron.

SEC. 3. That the owners of property, upon which taxes shall have been assessed as aforesaid, shall have the privilege of performing labor on said streets, alleys or lanes, in liquidation of said taxes, under the direction of the town council of Akron, at such time or times as said town council shall designate.

SEC. 4. It shall be the duty of the town council of Akron, hereafter to certify to the county auditor of Summit county the amount of taxes levied, from time to time, for corporation purposes, and at the same time to furnish said auditor with a list of the persons in said town having personal property liable to taxation, so that said corporation taxes may be collected in the same manner and at the same time that State and county taxes are collected.

SEC. 5. The auditor, on the receipt of such certificate, shall proceed to assess the tax, so levied, on the property of said town; and the treasurer of said county of Summit shall pay over to the treasurer of said town of Akron the taxes so collected, on his demand at any time after collection, reserving the proportionate rate of fees allowed him by law for collecting the last thousand dollars of State and county taxes.

SEC. 6. So much of the act to which this is an amendment as conflicts with the provisions of this act, is hereby repealed. This act shall be in force from and after [the] first day of May next.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

#### AN ACT

To lay out and establish a graded State road in the counties of Stark and Carroll.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Gideon Smith, of Stark county; Philip W. Hardesty and Henry Daniel, of Carroll county, be and they are hereby appointed commissioners, and James McColly surveyor, to lay out and establish a graded State road, commencing at some suitable point in or near the village of Paris, in Stark county; thence, the nearest and best route, to the village of Malvern, in Carroll county; and from thence, the nearest and best route through the lands of William Brothers, to intersect the State road leading from Carrollton to Canton, at the most convenient and suitable point, on or near the lands of William Woods, in said Carroll county.

SEC. 2. The commissioners, named in the first section of this act, shall be governed, in all respects, by the laws now in force defining the mode of laying out and establishing State roads.

SEC. 3. If either of the commissioners aforesaid shall die or refuse to serve, or remove out of his county, the commissioners of the county where such vacancy may happen shall, on application, fill such vacancy as often as it may occur.

SEC. 4. The commissioners named in this act shall have power to receive donations, either in money or labor, to be by them applied to the opening and construction of said road.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

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#### AN ACT

To incorporate the Scioto Manufacturing Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Joel Buttles, Robert Neil, Joshua Baldwin, Eli W. Gwynne, Geo. S. Fullerton, and Charles Colgate, and their associates and successors, be and they are hereby constituted a body corporate and politic in perpetual succession for the term of twenty years, by the name and style of the Scioto Manufacturing Company; and by that name shall be capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places, and in all manner of actions, causes and complaints whatsoever; may have a common seal, which they may use and alter at their pleasure; and by their corporate name may purchase, hold, use and convey property, real and personal; may take and receive such property in the payment of debts previously created, and sell and dispose of the same, and of their manufactured articles; may make all necessary or proper contracts for carrying on the operations of said company, and may make, execute and deliver, securities or mortgages on their property, to secure the payment of debts contracted by the company, and may receive similar securities for the payment of debts due to the company, in all respects as fully as may be done by natural persons; and may ordain and from time to time establish such bylaws for the management of said corporation, as they may deem expedient and requisite to promote the objects of the said company, not inconsistent with the constitution and laws of the United States and of this State.

SEC. 2. The capital stock of said company shall be forty thousand dollars, which shall be employed in the manufacture of starch, and in such property real and personal as may be necessary for carrying on that business, and in no other business whatever; the stock to be divided into shares of one hundred dollars each, and transferable on the books of the company, in such manner as the bylaws shall ordain; but no transfer shall be valid, until it shall have been registered in the book or books of the company, kept for that purpose.

SEC. 3. At all meetings of the stockholders, each share of stock shall be entitled to one vote, either in person or by proxy in writing; and a majority of votes present shall determine all questions submitted by the stockholders.

SEC. 4. The annual meetings of the stockholders shall be held on the first Monday in February, at which meeting the directors of the company shall be elected, and such other lawful business done as the stockholders shall deem necessary and proper; and should they fail of electing directors at their annual meeting, they may hold a special meeting, at some subsequent time, for the purpose, by giving thirty days' notice thereof in some newspaper of general circulation in said city of Columbus. The directors shall hold their offices until their successors are chosen and qualified; but no person shall be a director after ceasing to be a stockholder. Immediately after their election, the directors shall elect one of their number president of the corporation, and may appoint such other officers and agents as they may deem proper to transact their business, and prescribe the amount of compensation to be allowed to them for their services; and such officers, when required by the bylaws, shall give bond, to the satisfaction of the directors, for the faithful discharge of the trusts committed to them. The directors may make their own bylaws for the government of their board, but subject to the approval of the stockholders. All questions in the board of directors shall be decided by a majority of the directors present, and a majority of the directors shall constitute a quorum for the transaction of business. Vacancies in their board may be filled by the remaining directors. The directors shall have the general management of the affairs of the company, and may employ the capital and means of the company in such manufactures as they shall deem best for the company, and for the erection and maintenance of such buildings, and machinery, &c., subject always to the control of the stockholders, as may be necessary in the business of manufacturing, but for no other purposes than those connected with and pertaining to said business. They shall cause a record to be kept of all stock subscribed and transferred, and of all business transactions. They shall also, when required, present to the stockholders, reports in writing of the situation and amount of business of the company, and declare and make such dividends of the profits from the business of the company as they shall deem expedient.

SEC. 5. The persons named in the first section of this act, or a majority of them, shall be commissioners to open books for the subscription to the capital stock of said company, at such times and places as they may deem proper; and the said company are authorized to commence operations upon the subscription of twenty thousand dollars of said stock.

SEC. 6. The president and directors of said company shall have power, at any of their meetings, to require the payment of the capital stock of said company, to such persons, and at such times, as they may deem proper, upon giving thirty days' notice of the amount of such installments as may be required, and of the time when the same shall be paid, in some newspaper published in said city of Columbus; and if any stockholder or stockholders shall fail to pay up such installment or installments as shall be required by the president and directors aforesaid, the directors shall have power either to institute suits against such stockholder or stockholders in any court having jurisdiction, to recover such installment or installments, or to sell such share or shares as shall be delinquent, at public auction to the highest and best bidder, after giving thirty days' notice in some newspaper published and in general circulation in said city of Columbus; and such

stockholder or stockholders shall be liable for the residue, if any, due upon such share or shares after deducting the proceeds of such sale.

SEC. 7. The object of said corporation is declared to be the manufacture of starch in its various forms, and such other articles and machinery as they may deem most conducive to the interests of the company, in the city of Columbus or its vicinity.

SEC. 8. That for every debt due by said company to laborers employed by them in carrying on the manufacturing operations of said company, each and every stockholder shall be liable, or may pay the same without such suit; and upon payment thereof by one or more of said stockholders, he or they paying the same may recover the amount thus paid, by judgment against said company, or may have contributions for the amount thus paid by suit or otherwise.

SEC. 9. The corporation established by this act shall not at any time be engaged in banking business, or suffered to deal in bills of exchange, except when the same are given or received in the transaction of business connected with the objects of their creation.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

#### AN ACT

Creating Tabitha Cuma Catharine Cotton the legal heir and representative of John and Lucy Parker, and to legitimate Catharine, wife of Daniel B. Morey, of Huron county.

WHEREAS, Tabitha Cuma Catharine Cotton, of the township of Parkman, county of Geauga and State of Ohio, was in her early infancy adopted by John and Lucy Parker, of the township and county aforesaid, as their daughter and heir, they having no issue; and whereas the said John and Lucy are desirous of having the said Tabitha Cuma Catharine Cotton made their legal heir and representative; therefore

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the said Tabitha Cuma Catharine Cotton, is hereby constituted the legal heir and representative of the said John and Lucy Parker, and that she is hereby invested with all the rights and immunities of a lawful heir.

SEC. 2. That Catharine, wife of Daniel B. Morey, late Catharine Gilman, of Huron county, Ohio, who is the natural daughter of Thomas Packwood, also of said county, be and she is hereby legitimated; and, upon the death of said Thomas, shall be capable of inheriting and transmitting inheritances of personal and real estate, from or through the said Thomas, in manner the same and to the same extent as if born in lawful wedlock.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 4, 1848.

## AN ACT

For the improvement and repair of the Cincinnati and Carthage road, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county, and their successors in office, be and are hereby authorized to improve, put in good order, and keep in thorough repair, as a good macadamized road, the road leading from Cincinnati to the town of Carthage, in Hamilton county, commencing in Vine street, at the Hamilton road, north of Cincinnati; thence along Vine street, and the road leading to Carthage, to the town of Carthage.

SEC. 2. That the said commissioners of Hamilton county be and they are hereby authorized to borrow any sum not exceeding five thousand dollars, for any term not exceeding five years, at a rate of interest not exceeding six per cent. per annum, as shall be required to put said road in complete and thorough repair, as a good macadamized road; and the said commissioners are hereby authorized to issue bonds for such sums, so to be borrowed, in amounts not less than one hundred dollars each, bearing interest as aforesaid, said interest payable semi-annually, and pledging only the funds arising from tolls that shall accrue from said road for the payment of the said bonds and the said interest; and the said commissioners shall keep a special account of all the bonds that shall be issued, and which said bonds shall be payable to bearer, and pass by delivery; and each of said bonds shall be countersigned by the auditor of said county for the time being, and be by him registered in a book kept for that purpose, and be entered by said commissioners in the account with said road: Provided, that the said county of Hamilton shall in no event, nor under any pretence, be responsible for the payment or redemption of the said bonds, or any of them, or the interest accruing on them, or any of them, out of any other funds of the said county, or in any way or manner whatever, except from such funds as shall be received from the accruing tolls on the said road; and each bond so issued shall bear upon its face a clear statement of the conditions aforesaid, and shall clearly designate the road for which it shall be issued.

SEC. 3. That the said commissioners be and they are hereby authorized, so soon as the said road shall be put in repair and fit for use, to erect one or more tollgates on the said road, at such point or points as may be deemed advisable by them, and collect tolls from all persons traveling on the said road, or any part of the same, at the rates hereinafter specified: Provided, that such persons shall be exempted from paying tolls as are exempted by the eleventh section of the act to provide for the regulation of turnpike companies, passed January seven, one thousand eight hundred and seventeen, saving only persons carrying the public mails of the United States, who shall pay tolls as provided hereinafter.

SEC. 4. That the said commissioners shall employ or appoint such agents or persons to make said repairs of said road, and keep the gates, and collect tolls, at such salaries and on such terms as shall be deemed advisable by said commissioners: Provided, said commissioners shall require bonds, with good and sufficient security, at all times, from each collector of tolls, for the faithful performance of his duties and the paying over the tolls so received.

SEC. 5. That the auditor of said county shall cause true accounts to be kept of all the tolls that shall be collected at such gates, and all moneys paid for repairs, salaries or other expenses ; and all moneys that shall be collected for tolls shall be, as received, paid to the treasurer of said county, to be by him kept separately from all other funds of said county, and paid out on the order of the said auditor in discharge of the liabilities of said road, and for no other purpose whatever.

SEC. 6. That until all liabilities for the improvement and repair of said road, as above provided, and the expenses thereof, shall be paid out of the funds arising from the said tolls, the said commissioners shall be authorized to demand, receive, and collect from all traveling and passing on said road, tolls not exceeding in rate the amount charged upon the Cincinnati, Montgomery and Hopkinsville Turnpike Road, for the same distance, and in proportion for any less distance ; and the said commissioners are hereby authorized to graduate the tolls, so as to charge in proportion to the weight and size of any carriage or vehicle, including the load thereof, passing on the same.

SEC. 7. That so soon as all the liabilities on account of said road, as aforesaid, shall be paid, the said commissioners shall graduate and reduce the tolls upon the said road, so as to collect only a sufficient amount to pay the actual cost and expense of keeping the said road in good repair.

SEC. 8. That the said commissioners of Hamilton county are hereby authorized to issue bonds for any sum not exceeding four thousand dollars, for any term not exceeding five years, at the same rate of interest, and subject in all respects to all the conditions and forms hereinbefore provided in regard to bonds to be issued for the aforesaid Carthage road, for the purpose of raising funds and means for making, repairing and putting in good order, as a good macadamized road, the road leading from the city of Cincinnati to Sharpsburg, in said county, commencing at the corporation line of said city where the improvement of Sixth street intersects the same ; thence, by the most practicable and suitable route, to the west end of the Cincinnati, Montgomery and Hopkinsville Turnpike Road, at or near Sharpsburg : Provided, the grade thereof shall not exceed three degrees, and the quantity of metal shall be ten perch to a rod, and spread on twenty feet wide and nine inches thick, wherever said road is entirely out of repair at the present time. The bonds so issued, and the interest thereon, to be paid only out of funds arising from the tolls on said road, which tolls are hereby pledged for the payment of the interest and principal of said bonds ; and said bonds shall be issued and paid on the same terms and conditions as is hereinbefore provided in regard to bonds to be issued for the Carthage road, without any liability on the part of the county of Hamilton to pay the same out of any other funds than those arising from the tolls on said road, the said commissioners being hereby authorized to make, repair, and keep in repair the said road as a good macadamized road, erect tollgates, collect tolls and dispose of the same, employ or appoint agents, toll collectors, and make contracts, and manage the said road and funds, in all respects separately, and on the same terms and conditions as is hereinbefore provided in regard to the aforesaid Carthage road : Provided, no contracts for the construction and repairs of said road shall be made until twenty days' public



notice shall be previously given, in two newspapers published in Cincinnati; and all contracts for construction and repairs, shall be awarded to the lowest responsible bidder or bidders.

SEC. 9. That the said commissioners of Hamilton county are hereby, on the petition of two-thirds of the inhabitants residing on any road hereafter specified, further authorized and empowered to issue bonds for the purpose of raising funds and means to repair and put in good order, as macadamized roads, all the other macadamized roads which have heretofore been made and constructed by the county of Hamilton, and which have not been surrendered to any turnpike company, such bonds to be issued separately for each particular road, and to be so designated, and to be subject in all respects to the conditions, terms, forms, designation, limitations and restrictions as is required and provided for by this act in regard to the bonds to be issued in behalf of the aforesaid Carthage road; and the said commissioners are hereby authorized and empowered to erect a tollgate or tollgates, collect tolls, appropriate the same, appoint collectors and agents on each of said roads, and do and perform all and singular all acts and duties appertaining thereto, in like manner and to the same extent they are authorized by this act to do and perform in regard to the aforesaid Carthage road; and the accounts and funds of each road shall be kept separate, in all respects: Provided, that the bonds so to be issued shall not exceed the rate of one thousand dollars for each mile of any of said roads: and provided, further, that if any person shall contribute in money or materials, or both, towards the construction or repair of any of the said roads, and shall not ask or require any other mode of payment therefor, the said commissioners of said county, in order to encourage such contributions, may, after all the bonds, interest and other liabilities on any such road have been paid out of the tolls, as provided by this act, allow a credit to such person or persons so contributing, on the toll books of such road, which credit may be taken out in tolls; but such contributor shall, in no event, be reimbursed in any other way or manner whatever.

SEC. 10. This act to take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 4, 1848.

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#### AN ACT

To lay out and establish a Free Turnpike Road from Kenton, to intersect the Free Turnpike Road from Bellefontaine to Lima.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That George Johns, Daniel Campbell and James McGinnis, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, to commence at the town of Kenton, in Hardin county; and thence

to run on, or as near as practicable on the Kenton and Roundhead road, to the farm of Daniel Campbell; thence, westwardly, to intersect the free turnpike leading from Bellefontaine to Lima, at or near the farm of James McGinnis.

SEC. 2. That said road shall be constructed, repaired and preserved in the manner pointed out in the "act to provide for laying out and establishing free turnpike roads," passed March twelve, one thousand eight hundred and forty-five, and the acts amendatory thereto, except so far as the same may be modified or changed by the provisions of this act.

SEC. 3. That said commissioners, and their successors in office, shall be a body corporate by the name and style of the Kenton and Lima Free Turnpike Road, and shall be governed in all their proceedings by the acts above recited, and have all the powers conferred thereby, and be subject to all the restrictions thereof, except as may be herein provided.

SEC. 4. That the county commissioners of Hardin county shall have power to order and direct, at any regular or special session called for the purpose, all, or such portion as they may deem proper, of the taxes levied on all property, real and personal, for road purposes, within two miles of said road, and also the taxes, or any part thereof, levied on all property, real or personal, for road purposes, laying north of said two miles and south of the Scioto river, to be appropriated and applied to the construction and repair of said road; and they may, from time to time, make such order in relation to apportioning said road taxes to said road as they may deem proper; and all such taxes shall be collected, appropriated and discharged, in the manner now authorized by law, but no road tax shall be applied to the construction or repair of said road, unless ordered and directed by said county commissioners.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 4, 1848.

#### AN ACT

To amend the act entitled "an act to lay out and establish the Hull Prairie Free Turnpike Road."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners heretofore appointed to lay out and establish the Hull Prairie Free Turnpike Road, and their successors in office, be and they are hereby authorized to lay out and extend the said road in a southerly direction, so as to intersect the Otsego and Green Encampment road.

SEC. 2. That the said commissioners and their successors, and the county commissioners and auditor and treasurer of Wood county, and all other officers mentioned in the act to which this is an amendment, shall be governed, in all respects, by the provisions of an act passed February

eighth, one thousand eight hundred and forty-seven, "to lay out and establish the Hull Prairie Free Turnpike Road;" and all the lands lying within one mile on each side of said extension, shall be subject to the same taxation and regulations as are provided for in the act to which this is an amendment.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 4, 1848.

#### AN ACT

To incorporate the Ithaca and Euphemia Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That George W. Coover, John Colville, George Francis, John Mears, and James B. Campbell, M. L. Harter, James R. Laird, and Joel Thomas, of Darke county; and John Tilman, Garland Harris, and John Locke, of the county of Preble, and their associates, be and they are hereby created a body corporate under the name of the Ithaca and Euphemia Turnpike Road Company, for the purpose of constructing a turnpike road from the town of Ithaca, in Darke county, to the town of Euphemia, in Preble county; which company shall have all the privileges, rights and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. That the capital stock of said company may be twenty thousand dollars, divided into shares of twenty dollars each.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 4, 1848.

#### AN ACT

To incorporate the town of New Petersburg, in Highland county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory now included within, or that hereafter may become part of the recorded town plat of the town of New Petersburg, in the county of Highland, is hereby declared to be a town corporate with perpetual succession, and as such shall be entitled to all the privileges, and subject to all the limitations of the law of February sixteen, one thousand eight hundred

and thirty-eight, "for the regulation of incorporated towns," and the acts amendatory thereto, and shall have power to prescribe such rules and regulations for the improvement of the streets and sidewalks of said town, as may, by the officers of the corporation, be considered most conducive to such purpose.

SEC. 2. This act to take effect from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 4, 1848.

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#### AN ACT

To incorporate the Springfield and South Charleston Turnpike Company, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Andrew Whiteley, Asahel Franklin, Isaac C. Wood, John Kozier, John Hawkins, Joseph Whitridge sen'r, Darius Sprague, Robert Houston, Alexander Waddle, Lucius Muzzy, John Ludlow, Edward M. Doty, Lewis Skillings, and William Whiteley, and their associates, be and they are hereby created a body corporate and politic under the name of the Springfield and South Charleston Turnpike Company, for the purpose of constructing a turnpike road to commence at South Charleston, thence to the town of Springfield, or to such point upon the National Road east of Springfield as may be found by said company most convenient and desirable; and the said company shall have all the rights, powers and privileges, and be subject to all the restrictions defined in the "act to provide for the regulation of turnpike companies," passed January seven, A. D. one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. The capital stock of said company shall be such sum as shall be sufficient to construct said road, and shall be divided into shares of fifty dollars each.

SEC. 3. That as soon as fifty shares of the said stock shall be subscribed, the commissioners in this act named shall call a meeting of the stockholders, in the manner prescribed by the third section of the said "act to provide for the regulation of turnpike companies," for the election of five directors for the government of said company.

SEC. 4. It shall be lawful for the county commissioners of Clark county, to enter upon any improved land, not encumbered at the time by a crop, adjacent to that part of the National Road west of Springfield, of which, by law, the said commissioners have jurisdiction, and to take therefrom such stone, gravel or other materials as may, in their opinion, be necessary for the completion or repair of the aforesaid part of the National Road,

and the value of all such stone, gravel or other materials, and the damage resulting to the owner or owners of the land so entered upon, shall be ascertained in the manner pointed out in the seventh section of the act entitled "an act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 4, 1848.

#### AN ACT

To incorporate the Raccoon Navigation Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That James Riggs, Nicholas Thevenin, Alexander Williams, James Lewis, Charles Giles, Joseph S. Coombs, A. Bentley, and Moses R. Matthews, and also all other persons who shall become associated with them by subscribing to the capital stock of said company, be and they are hereby constituted and declared a body corporate and politic with perpetual succession, by the name and style of "The Raccoon Navigation Company," for the purpose of making and constructing a navigable slackwater navigation, either by locks or slopes, commencing with the junction of Raccoon Creek with the Ohio river, in the county of Gallia, and terminating in Athens county, where the navigable improvement may be considered impracticable by said company; and for this purpose, the said company is hereby authorized to take releases of the right of way, to have and receive, purchase, possess, enjoy and retain lands, rents, goods, chattels, rights and effects of any kind, and to any amount necessary to carry into effect the object of the institution, and the same to use, sell and dispose of at pleasure; to sue and be sued, defend and be defended, contract and be contracted with; to have and use a common seal, and the same to alter and renew at pleasure; to ordain and establish such regulations and bylaws as may be necessary for the well ordering and governing of the corporation.

SEC. 2. That the capital stock of said company shall consist of one hundred thousand dollars, which stock shall be divided into shares of ten dollars each, and shall be transferable in entire shares in such manner as the rules of the corporation shall prescribe.

SEC. 3. That the persons named in the first section of this act, or a majority of them, shall be commissioners to receive subscriptions and also to do and perform all necessary acts to organize the company, and they are hereby authorized and empowered to cause books to be opened at such time and in such places as a majority of them shall think proper; to receive subscriptions to constitute the capital of said company; said commissioners may require any sum, not exceeding five per centum of each subscription,

to be paid at the time it is subscribed ; and each subscriber shall be bound to pay, from time to time, such installments on his stock as the directors may lawfully require.

SEC. 4. That when one hundred shares shall have been subscribed, the commissioners shall call a meeting of the subscribers, by causing notice of the time and place of such meeting to be published in some newspaper in general circulation in the places in which the books shall have been opened, and the stock subscribed, at least twenty days previous to such meeting ; and on such notice having been given, the stockholders shall meet at the time and place appointed, and proceed to elect from three to seven directors, and adopt such rules and regulations for the government of the corporation as are lawful and expedient ; the stockholders may vote by person or proxy, and for each share such stockholder may possess, he shall be entitled to one vote.

SEC. 5. That the affairs of the company shall be managed by the directors, or a majority of them, who shall be elected by the stockholders according to the constitution and bylaws of said company ; each director shall be a stockholder at the time of his election ; whenever he ceases to be a stockholder he shall cease to be a director.

SEC. 6. That the directors so elected or appointed shall, at their first meeting after said election, choose one person from their own number, who shall serve as president of the board for and during the time for which he shall have been elected a director ; the president and directors, previous to their entering upon the duties of their office, shall severally take an oath or affirmation, before some competent authority, to administer the same faithfully, and impartially to discharge the duties appertaining to said office, by virtue of the provisions of this act, and rules of the corporation ; they shall appoint a treasurer who shall give bond to the president and directors of the "Raccoon Navigation Company," with approved security for the faithful performance of the trust committed to him ; the directors shall order and direct the time and place when the stockholders shall pay their installments, and determine the amount of such installments, and give notice thereof in some newspaper in general circulation in the county where such stock was subscribed, for at least three successive weeks ; nor shall any stockholder be bound to pay more than ten per centum on his stock at any one time, nor more than fifty per centum in any one year.

SEC. 7. That it shall be lawful for said company, their agents, engineers, superintendents or workmen, to enter upon and take possession of lands, waters or streams necessary to make said improvements, under the provisions of this act, and enter upon the lands contiguous and near to said improvement, unincumbered by a crop, and take therefrom earth, sand, gravel, and stone necessary to make the improvements contemplated by this act, doing no unnecessary injury or damage, by paying therefor a fair valuable consideration : if the parties cannot mutually agree upon the damages, or the value of the land and material so taken by said company, in that case either of the parties may apply to any president or associate judge of the district or county (not being a stockholder) in which such land is situated, who shall appoint five disinterested freeholders in said county as appraisers, who shall examine and appraise the damages, the value of land and materials necessary to construct and finish the improvement

contemplated by this act, nevertheless taking into consideration, as an offset, the benefits which such person, proprietor or proprietors will derive from said improvement by the creation of hydraulic power or otherwise; the appraisers so appointed, who, after being duly sworn or affirmed faithfully and impartially to discharge their appointed duties, shall proceed to value and assess the damages, if any shall be found, and shall make a certificate, with a particular description of the premises, to which certificate a majority of them shall sign their names, and deliver to each party a copy, and immediately thereafter, if no damages are assessed, or no payment or tender of the money, to the amount of the damages assessed to the person or persons injured, his guardian, agent or attorney, the company, as aforesaid, may proceed to enter upon and occupy such lands, streams or waters, and a complete title to the premises, to the extent and for the purpose set forth in, or contemplated by this act, shall thereby be vested and forever remain in said company: Provided, however, that if either party shall consider himself, herself or themselves aggrieved by the decision of the appraisers, so aforesaid made, such party may appeal to the court of common pleas of the proper county, at the succeeding term of said court, and such decision shall be final and determinate between the parties, but the pendency of any such appeal shall not in the meantime hinder the progress of the work: and provided further, that nothing in this section contained shall authorize said company to use any of the water of said creek, for hydraulic purposes, without the consent of the persons who, by reason of their ownership of the land, may be entitled so to use the said water.

SEC. 8. That in all cases when any bridge or bridges, across said creek, are so located as to hinder or obstruct said navigation, it shall be lawful for said company to cause such bridges to be so altered as that said navigation may be constructed: Provided, that said company shall cause such bridges, thus altered, to be put in as good repair, without delay, as the old ones were at the time of removing them, at their own cost and expense.

SEC. 9. That when the whole or any part of said improvement is completed, the president and directors of said company shall have power, if deemed by them advisable, to ordain and establish a rate of tolls which shall be paid on boats, rafts, or other property passing on such part or whole of said improvement that is navigable; and, for the collection of said tolls, the president and directors may appoint a collector, and establish a toll-house at some suitable place, and may ask, demand and receive, on all boats, rafts or other property passing or navigating on said creek, such toll or tolls as shall be established by said company under the provisions of this act.

SEC. 10. That the county commissioners of Gallia, Jackson and Athens county, may subscribe to said capital stock any amount not exceeding twenty thousand dollars each; and the trustees of the several townships through which said improvement passes, are hereby authorized to subscribe capital stock in said company: Provided, a majority of the voters of each of said townships shall, by a vote taken at the township election on the first Monday of April, so determine.

SEC. 11. The president and directors shall, annually or semi-annually, declare and make a dividend of the profits arising from tolls or any other source, reserving such sum or sums as will defray the necessary, current and

probable contingent expenses; which dividend shall be paid or passed to the credit of the stockholders severally, in proportion to the shares each may hold in the stock of said company.

SEC. 12. That the company shall be entitled to the benefit of all laws which are, or shall hereafter be in force for the collection of tolls or rents, or for the protection of any canals constructed by the State, so far as such law or laws are necessary to ensure the collection of tolls or rents, or for the protection of said improvement, its appendages, or other property which the company may lawfully hold, in order to carry into effect the provisions of this act.

SEC. 13. That so soon as said company shall have become organized, by the election of a president and directors, agreeably to the provisions of this act, and shall have given notice thereof to the board of public works, said board shall furnish a copy of the survey already made, with a competent engineer to estimate said improvement, who shall report such survey and estimate to the president and directors of said company.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 4, 1848.

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#### AN ACT

To incorporate the Medical and Surgical Society of the county of Ashland.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That B. B. Clark, George Oesterlin, Daniel Armstrong, John Lambert, William Laughridge, Burr Kellogg, W. R. S. Clark, B. F. Whitney, and their associates, together with such as may hereafter be associated with them, be and they are hereby created a body corporate and politic, with succession for thirty years, by the name and style of the Medical and Surgical Society of the county of Ashland; and by that name may sue and be sued, plead and be impleaded in all courts of law and equity, may have a common seal, and the same to alter at pleasure; shall be capable of holding personal and real estate by gift, grant or devise, and may sell, dispose of, and convey the same: Provided, the value thereof shall not exceed twenty thousand dollars, and the same shall be devoted exclusively to the object of promoting and elevating the science of medicine and its collateral branches.

SEC. 2. That they shall have power to frame and ratify a constitution, and adopt bylaws for the government of said corporation, the management and regulation of its fiscal concerns, admission of its members and appointment of its officers, together with such powers as are necessary and proper for the efficient direction and management of its concerns: Provided, that such constitution and bylaws shall not be inconsistent with the constitution of the State of Ohio and of the United States.



**SEC. 3.** Any future legislature may alter, amend or repeal this act: Provided, such alteration, amendment or repeal, shall in no wise affect the title to any property conveyed or acquired under its provisions.

**SEC. 4.** That at any time after the passage of this act, whenever a sufficient number of persons shall have associated themselves together under its provisions, after having given ten days' notice of the time and place of holding the first meeting, they may proceed to organize, by electing such number of directors or other officers as may be deemed necessary for the management of said society; and such officers, when so chosen, shall hold their respective offices for one year, and until their successors are elected and qualified.

**SEC. 5.** The said society shall have power to license students to practice physic and surgery within their own district, under the following requisitions:

1st. The candidate must be twenty-one years of age;

2d. Possess a fair moral character;

3d. Must have studied medicine three years, under the direction of a respectable practitioner, and have attended one full course of lectures, in some legally authorized medical institution.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 4, 1848.

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#### AN ACT

To extend the corporate limits of the town of New Westville.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the corporate limits of the town of New Westville, in the county of Preble, shall be so extended as to include the following described land, to wit: A part of the northwest quarter of section five, in township eight, of range one, east, beginning at the southeast corner of the above mentioned quarter section; thence west, eleven and a half poles; thence north, twenty-five poles; thence east, eleven and a half poles; and thence south, twenty-five poles, to the place of beginning; and that all the territory hereby attached to and included within the corporate limits of said town, shall hereafter be under the same laws and ordinances as are now, or shall be hereafter in force for the regulation and good government of said town.

**SEC. 2.** This act to be in force from and after its passage.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 4, 1848.

## AN ACT

To incorporate the "Dayton Gaslight and Coke Company."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That J. D. Phillips, Valentine Winters, Robert W. Steele, Daniel W. Wheelock, Daniel Beckel, Israel F. Howells, Joab W. Griswold, John Mills, David Winters, J. D. Loomis, David Stout, and Peter Vorhees, and their associates, be and they are hereby created a body politic and corporate with perpetual succession, by the name and style of the Dayton Gaslight and Coke Company; and by that name they and their successors shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places, and in all matters whatsoever, with full power to acquire, hold, occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same; and they may have a common seal, and the same may alter, break and renew at pleasure.

SEC. 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, to be made from any or all of the substances, or a combination thereof, from which inflammable gas is usually obtained, and to be used for the purpose of lighting the city of Dayton or the streets thereof, and any buildings, manufactories, public places, or houses therein contained, and to erect necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in any of the streets or avenues of said city: Provided, that the said corporation shall so conduct their works as not to create any nuisance, and that no permanent injury or damage shall be done to any street, lane or highway in said city; but before digging up or removing any of the streets or alleys of the said city, the said corporation hereby created shall first give notice to, and obtain the consent of the city council of said city for that purpose: the real estate which this corporation is entitled to hold shall not exceed in value twenty-five thousand dollars.

SEC. 3. The capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of twenty-five dollars each, to be subscribed for and paid in such proportion as shall be prescribed by the bylaws and rules of said company.

SEC. 4. The stockholders shall have power to make such bylaws and rules for regulating the concerns of said company as they shall think proper and necessary, respecting the management and disposition of the stock, property and estate of said company, the duties of the officers, artificers and agents to be employed, the number and election of directors, and all such matters as appertain to the concerns of said company.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 4, 1848.

## AN ACT

To change a portion of the boundary line between the counties of Stark and Tuscarawas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That a portion of the boundary line between the counties of Stark and Tuscarawas shall be so altered as to run in the following manner, to wit: Beginning at that point where the south line of section twenty-five, in township nine, range nine, in Stark county, intersects the Tuscarawas river, and running thence northwardly and westwardly, along the centre of said river, until it again intersects the present boundary line between the said counties of Stark and Tuscarawas, at or near the aqueduct north of the town of Bolivar.

SEC. 2. That so much of sections twenty-five, twenty-six, thirty-five and thirty-six, in township nine, range nine, in Stark county, as lies south of the line designated in section one of this act, shall be hereby attached to the county of Tuscarawas; and the said territory shall hereafter compose a part of the township of Lawrence, in the said county of Tuscarawas.

SEC. 3. That all acts or parts of acts conflicting with the provisions of this act, shall be and the same are hereby repealed.

SEC. 4. That this act shall take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 4, 1848.

## AN ACT

To authorize the Columbus and Xenia Railroad Company to construct a Branch Railroad to Delaware.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Columbus and Xenia Railroad Company shall have power to construct a branch of said railroad leading from the termination of their principal road in Columbus, towards the town of Delaware, or such other point in the county of Delaware as the directors of said railroad company may deem expedient.

SEC. 2. Such branch railroad shall be deemed in law a part of the principal road, and be entitled to all the privileges and protection, and be governed by the same rules and laws as may be legally applicable to the Columbus and Xenia Railroad.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 4, 1848.

## AN ACT

To authorize the sale of School Section Sixteen, in original surveyed township number three, of range six, east, in Montgomery county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section sixteen, in original surveyed township number three, of range six, east, in the county of Montgomery, be and the same is hereby authorized to be sold: Provided that no part thereof shall sell for less than the appraised value thereof; and such sale shall in all respects be governed by the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, eighteen hundred and forty-three, and of the "act to fix the minimum price of school lands," passed March four, eighteen hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 4, 1848.

## AN ACT

To incorporate the Tippecanoe and New Carlisle Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Thomas Jay, Sidney L. Chaffee, and David H. Morris, of the county of Miami; and D. S. Smith, David C. Baker, and Jacob Hershey, of the county of Clark, and their associates, be and they are hereby created a body corporate under the name of the Tippecanoe and New Carlisle Turnpike Road Company, for the purpose of constructing a turnpike road, commencing where the Miami and Montgomery turnpike road crosses the State road west of Hyattsville, in Miami county; thence east, with the said State road, through the towns of Hyattsville and Tippecanoe, to the new bridge at the Miami river; thence, on the most suitable ground, to the cross roads at the widow Morrison's; thence, with the State road, to Ezra Morris'; thence, on or near said road, to New Carlisle, in Clark county; and thence to the turnpike road near Midway; which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the "act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. That the capital stock of said company may be fifteen thousand dollars, divided into shares of twenty-five dollars each.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.

## AN ACT

To incorporate the Xenia and Fairfield Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That William Reed, J. A. Burroughs, A. H. Baughman, Math. Conable, D. T. Haines, B. Tanquary, J. J. Winans, Geo. W. Wright, A. Hevling and John B. Allen, of the county of Greene, and their associates and successors, be and they are hereby created a body corporate and politic by the name of the Xenia and Fairfield Turnpike Company, for the purpose of constructing a turnpike road from the town of Xenia to the town of Fairfield, in Greene county, upon the route of any public road, or on the most practicable route between these points.

SEC. 2. Said company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of township companies, passed January seven, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except so far as may be modified or changed by this act.

SEC. 3. The capital stock of said company may be twenty thousand dollars, divided into shares of twenty-five dollars each; and said company shall have power to enter upon any improved land not encumbered by a crop, for the purpose of obtaining materials for said road.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.

## AN ACT

To amend the act entitled "an act to lay out and establish a free turnpike road from Woodville, through Rollersville, in Sandusky county," passed February 9, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to lay out and establish a free turnpike road from Woodville, through Rollersville, in Sandusky county," be and the same is hereby so amended, that no lands lying more than one half mile from said road, and on the south side thereof, in the townships of Jackson and Ballville, in said county, shall be taxed for the construction or repair of said road.

SEC. 2. That so much of the act to which this is an amendment as is inconsistent with this act, is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.

## AN ACT

To amend the act entitled "an act to incorporate the Salem Turnpike Road Company," passed January 29, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the western terminus of the Salem Turnpike Road, in the county of Montgomery, shall be on the hill west of the town of Salem, in said county, at the junction of the Phillipsburgh and Lexington roads.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.

## AN ACT

To amend the act to incorporate the town [of] Salineville, in the county of Columbiana.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all fines imposed and collected under the provisions of the ninth section of the act to which this is an amendment, shall be paid into the county treasury of the county of Columbiana, for the use of common schools in said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.

## AN ACT

To incorporate the Xenia and Clifton Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Nathan Plowman, Bennet Lewis, H. Lawrence, B. F. Stone, S. Dallas, J. A. Forsman, John Van Eaton, their associates and successors, be and are hereby created a body corporate and politic by the name of the Xenia and Clifton Turnpike Company, with authority to construct a turn-

pike road from the town of Xenia to the town of Clifton, in said county, on the route of any public road or other eligible route between the points named.

SEC. 2. Said company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seven, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except so far as may be modified or changed by this act.

SEC. 3. The capital stock of said company may be twenty thousand dollars, divided into shares of twenty-five dollars each, and said company shall have the power to enter upon any improved land, not encumbered by a crop, for the purpose of obtaining materials for said road.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.

#### AN ACT

To incorporate the Xenia and Bellbrook Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Henry P. Galloway, Isaac Blessing, John C. Murphy, A. G. Luce, B. F. Allen, W. H. Grimes and Clayton Brown, their associates and successors, be and are hereby created a body corporate and politic by the name of the Xenia and Bellbrook Turnpike Company; and by that name have power to construct a turnpike from the town of Xenia to the town of Bellbrook, in Greene county, on the line of any public road or other eligible route between the points herein named.

SEC. 2. Said company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seven, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except so far as may be modified or changed by this act.

SEC. 3. The capital stock of said company may be twenty thousand dollars, divided into shares of twenty-five dollars each; and said company shall have power to enter upon any improved land, unincumbered by a crop, for the purpose of obtaining materials for said road.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.

## AN ACT

To incorporate the Blue Ball and Red Lion Turnpike Company.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That John Patterson, David Oliver, John S. Todd, James Gallaher, O. P. Irwin, and their associates, be and they are hereby constituted a body politic and corporate by the name of the Blue Ball and Red Lion Turnpike Road Company, for the purpose of constructing a turnpike road from the Blue Ball, in Butler county, via the Red Lion, in Warren county, to some suitable point on the Little Miami Railroad; which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventeenth, one thousand eight hundred and seventeen, and the several amendatory acts thereto, except in so far as the same may be modified or changed by the provisions of this act.

**SEC. 2.** That the capital stock of said company may be thirty thousand dollars, divided into shares of fifty dollars each.

**SEC. 3.** Said company may enter upon any inclosed or uninclosed lands, not incumbered by a crop, for the purpose of obtaining materials for the construction and repair of said road.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.

## AN ACT

To lay out and establish a State road from Bellefontaine to St. Marys.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That James Stewart and James D. Campbell, of the county of Logan; James Elliott, (of Jackson township), and George Speaker, of the county of Shelby; and Richard R. Barrington, of the county of Mercer, be and they are hereby appointed commissioners to lay out and establish a State road from the town of Bellefontaine, in the county of Logan, on the nearest and best route, through the county of Shelby, to the town of St. Marys, in Mercer county.

**SEC. 2.** That the said commissioners shall be governed in all things by the law now in force defining the mode of laying out and establishing State roads, passed March fourteenth, A. D. one thousand eight hundred and thirty-one, and the several acts amendatory thereto.

**SEC. 3.** That if either of the commissioners aforesaid shall die, refuse to serve, or remove out of his county, the commissioners of the county where such vacancy may happen shall, on application being made, fill such vacancy as often as it may occur.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.



## AN ACT

To provide for the sale of Section Sixteen, in Jefferson township, Williams county.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section sixteen, in the township of Jefferson, in Williams county, be and the same is hereby authorized to be sold: Provided, no part thereof shall be sold for less than two dollars and fifty cents per acre, or for the appraised value thereof; and such sale shall in all respects be governed by the laws now in force regulating the sale of school lands, except so far as they conflict with this act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 7, 1848.

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## AN ACT

To extend to the town of Ripley, in the county of Brown, the operation of "An act to encourage the organization of Fire Companies, and to repeal other acts," passed February 8, 1847.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the operation of "an act to encourage the organization of Fire Companies, and to repeal other acts," passed February eight, eighteen hundred and forty-seven, be and the same is hereby extended to the town of Ripley, in the county of Brown.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 7, 1848.

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## AN ACT

To provide for the erection of School houses in the town of Springfield, Clark county.

**WHEREAS**, the citizens of the town of Springfield, in Clark county, Ohio, are desirous of erecting two school houses within the limits of the corporation of said town, at the estimated cost of about five thousand dollars each, for the more convenient and better education of the children and youth of that community; therefore

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the school directors of said town of Springfield are hereby authorized to issue bonds for any sum not exceeding ten thousand dollars, bearing interest, and payable in five equal annual installments of two thousand dollars each.

SEC. 2. That the said directors shall use said bonds in procuring sites for said school houses, and for erecting and furnishing the same, or for either of said purposes, or for materials and labor for the same, and for no other purpose whatever.

SEC. 3. That the said directors shall levy a tax upon all the property of the inhabitants of said town sufficient to discharge said bonds, with the accruing interest thereon, as they may severally fall due; and the said directors shall give bonds and security in the sum of five thousand dollars for the faithful performance of their duties under the provisions of this act, to the president and council of the town of Springfield.

SEC. 4. That this act shall not take effect and be in force until a majority of the legal voters of said town shall have sanctioned it, in such manner and at such time and place, as the president and council of the said town of Springfield shall direct; and all acts or parts thereof, inconsistent with the provisions of this act, are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 7, 1848.

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#### AN ACT

To appoint commissioners to lay out and establish a free turnpike road from the Maumee river, in Defiance county, to the south line of Ridgeville township, in Henry county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Benjamin Hutchinson, William A. Brown, and William C. Holgate, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, commencing on the north bank of the Maumee river, at the centre of Centre street, in the town of Williamstown, in Defiance county; thence north, with said street, to Broadway street; thence north, on section lines, to the northeast corner of section eleven, township four, range four, east; thence in such course as said commissioners shall deem most advisable, until said road shall strike the present road on the poplar ridge, in Adams township, in said county; thence northerly, on said ridge, passing near the house of Walter Williams, to the south line of Ridgeville township, Henry county.

SEC. 2. The road taxes levied on all property for one mile on each side of said road, south of section one, in township four, north, range four, east; and for two miles on each side, north of said section one, shall be appropriated on said road, except where the provision of an act or acts establishing some other free turnpike road or roads shall conflict with this act; in that case the auditor of said Defiance county shall equally divide such conflicting taxable property north of said section one, between this and such other road or roads.

SEC. 3. Said commissioners and their successors shall be a corporation by the name of the Williamstown and Ridgeville Free Turnpike Road, and they shall be governed in all respects by the act passed March twelve, one thousand eight hundred and forty-five, entitled "an act to provide for laying out and establishing free turnpike roads," and the acts amendatory thereto, except so far as this act conflicts therewith.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 7, 1848.

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AN ACT

To incorporate the American Christian Bible Society.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That David S. Burnet, James Challen, George R. Hand, Thurston Crane, B. S. Lawson, D. L. Talboth, William P. Stratton, George Tait, G. Van-ausdol, James Hopple and S. S. Clark, and their successors, be and they are hereby created a body corporate and politic, with succession for thirty years, who shall be known by the name and style of the American Christian Bible Society; and by that name they and their successors shall be capable of contracting and being contracted with, of suing and being sued in all courts of law and equity and elsewhere, with full power and authority to have and use a common seal, to receive donations and legacies, and secure the same, and to acquire, hold and occupy, and the same to sell and convey, all such real estate, not to exceed in value twenty-five thousand dollars, as may be necessary and convenient for the accommodation of the association and the furtherance of its objects; and shall also have full power and authority to pass such bylaws, and to make and enforce all such rules and regulations for the government of such association, as they may deem for the welfare of the same, not contrary to any law of this or of the United States: Provided, however, that this association shall not engage in the business of banking.

SEC. 2. That the trustees and other officers be personally liable for labor done for said corporation.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 7, 1848.

## AN ACT

To incorporate the Liberty Turnpike Road Company, in Montgomery county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Benjamin Roades, Jacob B. Kimmell, Christian Greider, Abraham Heater, Samuel S. Ullery, Abraham Weaver, John Heck, George Gilbert, John Burnett, George Patton, jr., Daniel Turner, Michael Slife, William Wallace and Daniel Huffman, of Montgomery county, and such other persons as may become associated with them, be and they are hereby created a body politic and corporate, with perpetual succession, under the name of the Liberty Turnpike Road Company, for the purpose of constructing a turnpike road from the town of Liberty, in the county of Montgomery, on the best ground and as near the line of the present public road as practicable, to intersect the Dayton and Germantown turnpike road at or near the line between the lands of Valentine Winters and John Kinsey's estate; which company shall have all the rights, privileges and powers, and be subject to all the restrictions provided for in the "act to provide for the regulation of turnpike companies," passed January seven, one thousand eight hundred and seventeen, and the several acts amendatory thereto.

SEC. 2. That the capital stock of said company may be four thousand dollars, to be divided into shares of twenty dollars each.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 7, 1848.

## AN ACT

To amend the act entitled "an act further to amend the several acts establishing the Miami University," passed February 19, 1819.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the act entitled "an act further to amend the several acts establishing the Miami University," passed February fifth, eighteen hundred and nineteen, as provides that not more than four of the trustees shall reside out of the limits of John Symmes' purchase, be and the same is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 7, 1848.

## AN ACT

To amend the act entitled "an act to incorporate the town of Clinton, in the county of Huron."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if the town council of the town of Clinton, in the county of Huron, shall fail to give notice of the time and place of election provided in the act incorporating said town, then and in that case said election shall be held at such time and place as shall be designated by notices posted up in three public places in said town, and signed by any five electors in said town; and said election, called by said electors as aforesaid, shall be conducted in the same manner as if held in pursuance of notice posted up by the town council, provided there are members of said council present to serve as judges and clerk: Provided, said council shall neglect or refuse to attend and organize such meeting, then it shall be lawful for the electors to proceed and organize in the same manner as is pointed out for their organization, at the first meeting by them held under the provisions of the act to which this is an amendment.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 7, 1848.

## AN ACT

To incorporate the town of Vandalia, in the county of Montgomery.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That one square mile of the township of Butler, in the county of Montgomery, having for its centre the intersection of the Miami and Montgomery turnpike road with the Cumberland road, be and the same is hereby created a town corporate, to be known and designated by the name of the town of Vandalia; and by that name shall be a body corporate and politic, in perpetuity.

SEC. 2. That said town shall be a road district, and the labor required by law to be performed by the inhabitants thereof upon the public roads, shall be performed upon the streets, alleys and highways within said town, in such manner and under such regulations as the council of said town shall direct.

SEC. 3. That said town shall be entitled to all the privileges, and subject to all the restrictions, of the act entitled "an act for the regulation of incorporated towns," passed February sixteenth, eighteen hundred and thirty-nine.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 7, 1848.

## AN ACT

To incorporate the Troy and Piqua Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jacob Knoop, John B. Fish, George Statler, Samuel Davis and Robert Young, of the county of Miami, and their associates, be and they are hereby created a body politic and corporate by the name of the Piqua and Troy Turnpike Company, for the purpose of constructing a turnpike road from the town of Piqua to the town of Troy, in said county; commencing at some point in the town of Piqua, and running thence, on the most desirable route, to the said town of Troy, in said county of Miami; which said company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the "act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. The capital stock of said company shall be fifteen thousand dollars, divided into shares of twenty-five dollars each.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 7, 1848.

## AN ACT

To incorporate the Phillipsburgh Turnpike Road Company, in Montgomery county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That A. H. Baker, Peter Smith jun'r, Abraham Minich, John Studybecker, John Swank, Joseph Studybecker, and their associates, be and they are hereby created a body politic and corporate with perpetual succession, under the name of the Phillipsburgh Turnpike Road Company, for the purpose of constructing a turnpike road from Salem to Phillipsburgh, in the county of Montgomery, on or near the line of the State road leading from Salem, in said county, to Greenville, in Darke county; which company shall have all the rights, privileges and powers, and be subject to all the restrictions provided for in the "act to provide for the regulation of turnpike companies," passed January seven, one thousand eight hundred and seventeen, and the several acts amendatory thereto.

SEC. 2. That the capital stock of said company may be ten thousand dollars, to be divided into shares of twenty dollars each.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To authorize the sale of certain School Lands in Richland county, belonging to fractional townships in Knox county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the northwest quarter of section twenty-seven, in township nineteen, of range eighteen; and the northwest quarter of section thirty-two, of township nineteen, range nineteen; and the southeast quarter of section twenty-eight, in township nineteen, in range nineteen, in Richland county, belonging to fractional township number eighteen, in range eighteen and nineteen, in Knox county, for the use of schools, be and the same are hereby authorized to be sold, according to the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three: Provided, said lands shall not be sold for less than five dollars per acre.

SEC. 2. That all former laws authorizing the sale of the aforesaid lands, and all laws inconsistent with the provisions of this act, be and the same are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To authorize the sale of the unsold part of School Section Sixteen, in Perry township, in the county of Montgomery.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all that portion of school section sixteen, in Perry township, in the county of Montgomery, now remaining unsold, be and the same is hereby authorized to be sold: Provided, that no part thereof shall be sold for less than the appraised value, and that such sales shall, in all respects, be governed by the provisions of the "act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February two, one thousand eight hundred and forty-three, and of the "act to fix the minimum price of the sale of school lands," passed March fourth, eighteen hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To authorize the sale of School Section Sixteen, in Loudon township, Seneca county, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section sixteen, in Loudon township, Seneca county, Ohio, shall be sold: Provided that such sale shall be made and conducted, in all respects, in accordance with the provisions of the laws now in force upon that subject.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To authorize the commissioners of Putnam county to equalize the road taxes belonging to certain free turnpike roads.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Putnam county be, and they are hereby authorized to divide, as equally as may be, where they come in contact, the road taxes belonging to the Lima and Defiance, Findlay, Gilboa, Kalida and Miami Extension canals; and Findlay, Pendleton and Columbus Grove free turnpike roads; any thing in the acts creating said roads to the contrary notwithstanding.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To authorize the sale of School Section Sixteen, in original township two south, of range fifteen east, formerly in the county of Crawford, but now partly in the county of Crawford and partly in the county of Wyandott.

WHEREAS, by the erection of the county of Wyandott, original surveyed township numbered two, south, of range fifteen east, formerly in the county of Crawford, was so divided by the county line between said counties of Crawford and Wyandott, as to leave a part of said township in the county of Crawford and a part thereof in the county of Wyandott, the former part now known as the township of Tod, and the latter part



now known as the township of Eden ; and whereas, by the division aforesaid, school section sixteen of said original surveyed township, now lies in that part now known as the township of Eden, as aforesaid ; therefore —

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section sixteen in the township of Eden, in the county of Wyandott, and State of Ohio, be and the same is hereby authorized to be sold : Provided, that such sale shall, in all respects, be conducted and governed by the laws now in force governing the sales of school lands in the State of Ohio.

SEC. 2. That whenever said section shall be sold by the auditor of said county of Wyandott, the proceeds thereof, and the interest thereon shall be divided by said auditor between said township of Eden and the township of Tod, in the county of Crawford, in proportion to the amount of territory contained in each of said townships respectively.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

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#### AN ACT

To amend the act incorporating the Cleveland, Columbus and Cincinnati Railroad Company, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the period of thirty-five years named in the fourteenth section of the act incorporating said railroad company, shall begin and be reckoned from the time when said railroad shall be completed from the city of Cleveland to such point in the city of Columbus as shall be selected as the terminus of said railroad ; and it shall be the duty of the president of said company to file in the office of the secretary of State, a certificate countersigned by some proper officer of said company, and verified by the oath or affirmation of said president, and other officer, setting forth the date of such completion of said railroad ; and so much of said fourteenth section as conflicts herewith is hereby repealed.

SEC. 2. That the seventh, eighth, ninth and thirteenth sections of the act entitled "an act authorizing the city of Cleveland to subscribe to the capital stock of the Cleveland, Columbus and Cincinnati Railroad Company, are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To amend the act creating the Turkeyfoot Free Turnpike, passed March 2, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the act creating the Turkeyfoot Free Turnpike Road, passed March two, eighteen hundred and forty-six, as relates to that part of said road which lies between the Blanchard's Fork of the Auglaize river and Kalida, in Putnam county, be and the same is hereby repealed; and that hereafter the tax for road purposes on all property for three-fourths of a mile on each side of said road between the points aforesaid, shall be appropriated to the construction of the same.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To incorporate the Eaton, Castine and Greenville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Otho Bumbaugh, Josiah Davisson, Samuel Campbell, William Rossman, of the county of Preble; and Russell Evans, Peter V. Bantor, Wm. F. Rosser, Erie Matchell, John Spray, William Arnold, Abraham Studabaker, and Henry Arnold, of the county of Darke, be and they are hereby created a body corporate and politic by the name and style of the Eaton, Castine and Greenville Turnpike Road Company, with perpetual succession, for the purpose of constructing a turnpike road, from the town of Eaton, in Preble, through the town of Castine, in Darke county, to the town of Greenville, in the last named county, on the most practicable and convenient route.

SEC. 2. That said company shall have all the rights, privileges and powers, and be subject to all the restrictions and liabilities defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except so far as the same may be modified or changed by this act.

SEC. 3. The capital stock of said company may be one hundred thousand dollars, divided into shares of twenty-five dollars each.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To incorporate the Farmers' Mutual Fire Insurance Company of Medina county.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That Jonathan Simmons, George Colleir, Selah Beach, B. D. Austin, Luther King, Asa Farnum, J. O. Simmons, Earl Moulton, Henry Chapin, Isaiah Phillips, Isaac Jones, Timothy Burr, Amos Shelden, Isaac Rogers and John B. Chase, and all other persons who may hereafter become members of said company in the manner herein prescribed, be and are hereby incorporated and made a body politic by the name of the Farmers' Mutual Fire Insurance Company of Medina county, for the purpose of insuring their respective dwelling houses and other buildings, (excepting those situated in cities and villages, where the population thereof exceeds twelve hundred inhabitants, and those buildings wherein steam is used, in whole or part, for propelling machinery,) household furniture, hay, grain, and other farmers' property, against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means except that of design in the insured, or by the invasion of an enemy, or insurrection of the citizens of this or any of the United States; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of record or other place whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and the same may sell and convey at pleasure; may make, establish and put in execution such bylaws, ordinances and resolutions, not contrary to the laws of this State, as may seem necessary or convenient for their regulation and government, and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this act.

**SEC. 2.** That all and every person or persons who shall at any time become interested in said company by insuring therein, and also their respective heirs, executors, administrators and assigns continuing to be insured therein as hereinafter provided, shall be deemed and taken to be the members thereof, for and during the term specified in their respective policies of insurance, and no longer, and shall at all times be concluded and bound by the provisions of this act.

**SEC. 3.** There shall be a meeting of said company in the county of Medina, on the first Wednesday of October, annually, or on such other day and at such time and place in said county as said company may determine, notice of which may be given by the secretary, or, in his failure, by the president or either of the directors, stating the time, place, and design of said meeting, by publication three weeks successively in the newspapers printed within said county, the last of which publication shall be at least ten days previous to the time of holding said meeting; at which meeting shall be chosen, by ballot, a board of directors, consisting of not more than nine nor less than five members, who shall continue in office until others shall have been chosen and qualified. All vacancies happening in said board may be filled by the remaining members, until the next annual meeting, and a majority of the whole number shall constitute a quorum for the transaction of business. Special meetings of the company may be called

by order of the directors, or in such other manner as the bylaws thereof may prescribe.

SEC. 4. That the board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and all matters and things thereunto relating, and not otherwise provided for by said company. They shall have power to elect a secretary and treasurer, by ballot, on the first Wednesday of October, annually, and appoint such other officers, agents and assistants, as to them may seem necessary, and prescribe their duties, fix their compensation, take such security from them as they may deem necessary for the faithful performance of their respective duties, and remove them at pleasure. They shall determine the rates of insurance, the sum to be insured on any building or property, and the sum to be deposited for the insurance thereof. They shall order and direct the making and issuing of all policies of insurance, the providing of books, stationery, and other things needful for the office of said company, and for carrying on the affairs thereof, and may draw upon the treasurer for the payment of all losses which may have happened, and expenses incurred in transacting the concerns of said company. They shall elect, by ballot, one of their own number to act as president, and may hold their meetings monthly, and oftener if necessary, for transacting the business of said company, and shall keep a record of their proceedings; and any director disagreeing with the majority, may enter his dissent, with his reasons therefor, on record.

SEC. 5. That every person who shall become a member of said company, by effecting insurance therein, shall, before a policy is issued, deposit a promissory note for such a sum of money as shall be determined by the directors; a part, not exceeding six per centum, of which shall be immediately paid, for the purpose of discharging the incidental expenses of the company, and the remainder of said note shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses or other expenses; and, at the expiration of the term of insurance, the said note, or such part thereof as shall remain unpaid, after deducting all losses and expenses occurring during said term, shall be cancelled and given up to the maker, his or her heirs or assigns.

SEC. 6. That every member of said company shall be and hereby is bound and obliged to pay his portion of all losses and expenses happening or occurring in or to said company, and all buildings insured by and with said company, together with the right, title and interest of the insured to the lands on which they stand, shall be pledged to said company; and the said company shall have a lien thereon against the insured, during the continuance of his, her or their policies.

SEC. 7. That whenever any loss or damage by fire shall happen upon the property insured in said company, the members who have had their property destroyed or damaged by fire shall give notice thereof, in writing, to the directors, or any one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened; and the directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage; and if the party suffering is not satisfied with the determination

of the directors, the question may be submitted to referees, or the said party may bring an action against said company for loss or damage; and if, upon trial of said action, a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid, the said party shall be non-suited, and the said company shall recover their costs: Provided, that the judgment last mentioned shall in no wise affect the claim of said suffering party to the amount of loss or damage as determined by the directors aforesaid and provided, also, that execution shall not issue on any judgment against said company, until after the expiration of three months from the rendition thereof.

SEC. 8. That the directors shall, after receiving notice of any loss or damage by fire, sustained by any member upon property insured in said company, and ascertaining the amount of the same, or after the rendition of any judgment as aforesaid against said company, for loss or damage, determine the sum to be paid by the several members thereof, as their respective proportions of such losses, and publish the same in such manner as they shall deem proper, or as their bylaws may prescribe; and the sum to be paid by each member shall always be in proportion to the original amount of his, her, or their deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice. And if any member shall, after the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him, her, or them, as his, her, or their proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his, her, or their deposit note or notes, with cost of suit; and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter occur; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which the insurance was made.

SEC. 9. That if it shall ever so happen that the whole amount of deposit notes shall be insufficient to pay the loss occasioned by any one fire or fires, in such case sufferers insured by said company shall receive, toward making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured, and, in addition thereto, a sum to be assessed on all the members of said company, not exceeding fifty cents on each hundred dollars by them respectively insured; and the said members shall never be required to pay, for any loss occasioned by fire at any time, more than fifty cents on each hundred dollars insured in said company, in addition to the amount of his, her, or their deposit note or notes, nor more than that amount for any such loss, after his said note shall have been paid in and expended; but any member, upon payment of the whole of his deposit note and surrendering his policy, before any subsequent loss or expense has occurred, may be discharged from said company.

SEC. 10. That said company may make insurance for any term not exceeding ten years, and any policy of insurance issued by said company, signed by the president and secretary, shall be deemed valid and binding

on said company in all cases when the insured has a title in fee simple, unincumbered, to the building or buildings insured, and to the land covered by them; but if the premises be incumbered in any way, the policy of insurance shall be void, unless the true title of the insured, and the incumbrances of the premises, be expressed therein, and in the application therefor.

SEC. 11. That the directors shall settle and pay all losses within three months after they shall have been notified as aforesaid, but no allowance is to be made, in estimating damages in any case, for gilding, historical or landscape painting, stucco, or carved work.

SEC. 12. That when any house or other building shall be alienated, by sale or otherwise, the policy shall thereupon be void, and surrendered to the directors of said company, to be canceled; and, upon such surrender, the insured shall be entitled to receive his, her, or their deposit note or notes, upon the payment of his, her, or their proportion of all losses and expenses that have occurred prior to surrender: Provided, that the grantee or alienee, having the policy assigned to them, may have his, her, or their right thereto, confirmed to him, her, or them, for his, her, or their own proper use and benefit, upon application to the directors, and with their consent, within thirty days after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note or notes as shall remain unpaid; and, by such ratification and confirmation, the party causing the same shall be entitled to all the rights and privileges, and subject to all the liabilities to which the original party insured was entitled and subjected to under this act.

SEC. 13. That if any alteration shall be made in any house or building by the proprietors thereof, after insurance has been made thereon with said company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, in every such case the insurance made upon such house or building shall be void, unless the additional risk or hazard be notified to the directors or authorized agent of said company, after such alterations have been made, and settled to the satisfaction of said directors: Provided, no alteration or repairs in buildings, not increasing such risk or hazard, shall in any wise affect insurance previously made thereon.

SEC. 14. That in case any building, situated upon leased lands, and insured by said company, be destroyed by fire, in such case the directors may retain the amount of the premium or deposit note for insurance given thereof, until the time for which insurance was made shall have expired; at the expiration thereof, the insured shall have the right to demand and receive such part of said retained sums as have not been expended in losses, expenses or insurances.

SEC. 15. That if insurance on any house or building shall be and subsist in said company, and in any office, or from and by any other person or persons at the same time, the insurance made in and by said company shall be deemed and become void, unless such double insurance subsist with the consent of the directors, signified by indorsement on the back of the policy, signed by the president and secretary.

SEC. 16. That the said Jonathan Simmons, Geo. Collier, Selah Beach, B. D. Austin, Luther King, Asa Farnum, J. O. Simmons, Earl Moulton,

Henry Chapin, Isaiah Phillips, Isaac Jones, Timothy Burr, Amos Sheldon, Isaac Rogers and John B. Chase, or either five of them, may call the first meeting of the members of said company, at any suitable time and place within Medina county, by advertisement in the newspapers printed in said county, giving at least ten days' notice of the time and place, and design of said meeting, for the purpose of electing the first board of directors, and making bylaws, and of transacting any business necessary and proper to carry into effect the provisions of this act: Provided, that no policy of insurance shall be issued or funds invested by said company, until application shall be made for insurance on at least twenty-five thousand dollars in the aggregate.

SEC. 17. That after the expiration of twenty years from the passage of this act, the legislature shall have power to alter, amend or repeal this act, if the public good shall require it.

SEC. 18. That each and every one of the directors of said company shall, before they enter upon the duties of their office, give bond, in good and sufficient surety, to the treasurer of the township wherein the office of said company is located, in the sum of five thousand dollars, the said surety to be made to the satisfaction of said treasurer, conditioned for the faithful discharge of the duties of their respective offices, agreeable to the requirements of this act; and upon the complaint of any person who has been injured by the misconduct of any director of said company in his official capacity, it shall be the duty of said treasurer to cause his or their said bond or bonds to be put in suit, on receiving security to indemnify the county against costs, and to certify to the court who is prosecutor in such cause, and the said court may, on motion of the defendant in said cause, order the prosecutor to find sureties to indemnify the defendants for their costs, should he fail to prosecute or recover thereon; and if the defendants shall plead performance of the conditions of said bond, the prosecutor may reply as many breaches respecting his interest as he shall think proper; and the jury, on the trial of such issues as shall be put to them, shall assess damages for such breaches as the prosecutor shall prove, and the court shall enter up judgment for the whole penalty of the bond, and issue execution in favor of the prosecutor for such a sum as the jury shall have found for damages and costs; and the judgment shall remain for the benefit of such person or persons as may, by a scire facias thereon, show that they have been injured by any breaches of the conditions of said bond; and if the prosecutor shall fail to recover in such suit, the court shall award costs to the defendant, and issue execution against such prosecutor, unless said costs are paid.

SEC. 19. A majority of said directors may borrow money upon the credit of the capital stock or fund of said company, to pay any actual loss of said company, whenever they may deem it expedient.

SEC. 20. All elections by said company shall be by ballot, and a majority in such elections shall govern.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To amend the act providing for the appointment of commissioners of sewers in certain counties in this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas of the counties of Lawrence, Logan and Wood, be and they are hereby authorized and empowered, on application to them, made by any number of freeholders, not less than ten, living in the vicinity of any marshy or low lands covered with water, in said counties, which are injurious to the health of said freeholders, or any of them, to grant, in their discretion, a commission of sewers to such and so many able and discreet persons as they shall think expedient, for draining such marshy or low lands, who shall in all respects be governed by the provisions of an act entitled "an act providing for the appointment of commissioners of sewers in certain counties in this State," passed March twenty-six, eighteen hundred and forty-one, except as otherwise provided for by this act.

SEC. 2. The said commissioners may assess the proprietors of such lands as shall be drained by authority of this act, and the act to which this [is] an amendment, and of such other lands as are in the immediate vicinity thereof, to defray the charges according to the benefits they receive, in such proportion as they shall deem equitable and just; and such persons, so taxed, shall be deemed and taken as proprietors, as provided in the act to which this is an amendment.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To amend the act to incorporate the town of Wooster, in the county of Wayne, passed February 21, 1824.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the corporate limits of the town of Wooster, in the county of Wayne, shall, from and after the passage of this act, be constituted of one square mile, the centre of said mile or limits to be the centre of the public square in said town.

SEC. 2. That all personal property belonging to residents of said town or corporation, that is by law taxable for State and county purposes, shall be assessed for corporation purposes.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.



## AN ACT

To lay out and establish a Free Turnpike Road from Sidney to St. Marys.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Mills, Guy C. Kelsey, William D. Rogers, John Hutchinson, of the county of Shelby; and John J. Rickley and Samuel R. Mott, of the county of Mercer, be and they are hereby appointed commissioners to lay out and establish a free turnpike road from Sidney, in Shelby county, to St. Marys, in Mercer county, on the line of the present road from Sidney to St. Marys, through Rumley.

SEC. 2. The commissioners aforesaid, and their successors, shall be a corporation by the name and style of the Sidney and St. Marys Free Turnpike Road; and they shall be governed, in all things, by the provisions of the act to provide for laying out and establishing free turnpike roads, passed March twelfth, one thousand eight hundred and forty-five, and the acts amendatory thereto: Provided, that the taxes to be applied to the construction and repair of said road, under the provisions of the act of March twelfth, one thousand eight hundred and forty-five, shall only extend to property, real and personal, within one mile of said road, on each side thereof.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To appoint commissioners to lay out and establish a Free Turnpike Road in the county of Henry.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Maselin, David Hill, and Silas Rowland, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, commencing where the county road leading from the town of Napoleon, in Henry county, intersects the Lima and Perrysburgh Free Turnpike Road, in Richfield township, in said county; running thence a westwardly direction, to the house of John Maselin, until it intersects the Turkeyfoot Free Turnpike Road, near the house of David Hill.

SEC. 2. Said commissioners shall be governed, in all respects, by an act passed March twelve, eighteen hundred and forty-five, entitled "an act to provide for laying out and establishing free turnpike roads," and the acts amendatory thereto: Provided, that nothing in this act shall be so construed as to conflict with any other free turnpike road.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1849.

## AN ACT

To amend the act entitled "an act authorizing the sale of Section Sixteen, in Townsend Township, Sandusky county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the school lands which remain unsold in section sixteen, in Townsend township, Sandusky county, may be sold at the appraised value thereof.

SEC. 2. That so much of the act passed February second, eighteen hundred and forty-five, conflicting with this act, be and the same is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To extend the corporate limits of the town of Bloomingburgh, in the county of Fayette.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all the adjacent territory within eleven rods of the present corporate boundary of the town of Bloomingburgh, in the county of Fayette, be and the same is hereby attached to and made a part of said corporation of Bloomingburgh.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To appoint commissioners to lay out and establish a graded State road in the counties of Putnam and Henry.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John M. Palmer, and Charles Bennett, of Putnam county; and John Wilhelam, of Henry county, be and they are hereby appointed commissioners to lay out and establish a graded State road, commencing at the house of John Wilhelam, in Henry county; thence to intersect the Turkey-foot Free Turnpike Road near the west line of section five, in township two, north, range seven, east; thence along said road to the west line of section four, in township two north, range seven, east; thence as nearly

through the center of the south half of said section four as said commissioners may deem proper; and from thence to intersect the Defiance and Van Buren road at or near the house known as the "Harner house." Provided, that the grade of said road shall, in no place, exceed an elevation of five degrees.

SEC. 2. Said commissioners shall select some suitable person to act as surveyor in the location of said road, and shall have power to receive donations, in either money or property, to aid in the construction of the same; and shall meet at the house of John Wilhelm, in Henry county, on or before the first day of May, A. D. eighteen hundred and forty-eight, and proceed to the location of said road.

SEC. 3. If either of said commissioners shall refuse to serve, die or remove out of the respective counties, the commissioners of the county where such vacancy shall happen, shall, on application being made, fill such vacancy as often as it may occur.

SEC. 4. The commissioners aforesaid shall be governed, in all respects, by the laws now in force defining the mode of laying out and establishing State roads.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

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#### AN ACT

To regulate the levying of a Tax for Road purposes, in the county of Belmont, and the time and manner of working out said tax.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the several townships of the county of Belmont, shall, on the first Monday of March of each year, determine the amount of tax that shall be levied for road purposes, in their respective townships, for the ensuing year; which tax shall not exceed twenty cents on the hundred dollars valuation of the taxable property listed on the county duplicate in any one year.

SEC. 2. It shall be the duty of said trustees immediately to return the amount of the tax so levied as aforesaid, to the auditor of said county, who shall, on or before the first day of July thereafter, make out and deliver to the clerks of the several townships, abstracts of such road tax; and the said clerks, upon the receiving of the same, shall forthwith make out the road tax for the several road districts, to be worked out by the taxpayers of such road districts, as provided in section third of this act, and deliver a list thereof to the supervisors of the said road districts.

SEC. 3. That each supervisor of each road district, as aforesaid, upon receiving from the clerks of their respective townships, the amount of tax so levied for road purposes, shall notify each and every taxpayer of his said district, to work out their respective road taxes upon the roads of said district, under the same regulations as are now provided by law; which said road tax shall be worked out as aforesaid, between the fifteenth day of August and the first day of October of each year; and it shall be the duty of each supervisor to make out and deliver to each taxpayer of his said district, who shall have worked out the amount of his or her road tax, a receipt for the same; and it shall be the duty of said supervisor to make out and return, under oath, a complete list of each and every person, including those that have worked out and those that have not, their share of said road tax, to the trustees of their respective townships, on or before the first Monday of March of each year, which shall be the time of his settlement with said trustees; and the said trustees shall make out and deliver to the clerks of their respective townships, the names of all persons who have refused or neglected to work out their said road tax, and shall add to such delinquencies ten per cent.; and the said clerks shall immediately collect such road tax and penalty, in the same manner and for the same fees that county treasurers are authorized by law.

SEC. 4. That when, by reason of any individual owning land or any other real estate, and not having personal property, by means of which such delinquent tax can be made, or by reason of any individual not being a resident of such township, but owning property therein, the township clerk shall be unable to collect such delinquent tax, then, in all such cases, he shall, on or before the first day of August of each year, send a statement of such tax, to be placed on the duplicate of the county auditor and collected off the real estate of such individuals, as other delinquent tax is collected, with the penalty aforesaid.

SEC. 5. That all moneys that are collected by the township clerks, on account of delinquent road tax, as aforesaid, and all moneys that are collected by the county treasurer on the same account, shall be paid over to the treasurer of the respective townships, who will receipt therefor to the treasurer or clerk, as the case may be, which money, when so paid over, shall be denominated a road fund, to be appropriated for road purposes, under the direction and control of the trustees of their respective townships.

SEC. 6. That the supervisor and all other officers, under the provisions of this act, shall have the same compensation as are now allowed them by law for similar services; that all laws inconsistent with this law, so far as they operate in the county of Belmont, are hereby repealed.

SEC. 7. This act to be in force from and after its passage, for the term of one year, and no longer.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To authorize the construction of a Toll Bridge over the Great Miami near Carrollton, Montgomery county, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Perry Pease, Julius S. Taylor, Isaac Boon, James Dodds, Daniel Noffsinger, Michael Hubler, Jacob Halderman, Emanuel Moyer, Michael Moyer, Lewis Racher, Christopher Leightey, of the county of Montgomery, and their associates, be and they are hereby created a body corporate and politic by the name and style of the Carrollton Bridge Company, and shall be capable by that name of contracting and being contracted with, of suing and being sued, with full power to acquire and hold, or dispose of and convey such property, real, personal and mixed, necessary for the purposes of this act, and to use a corporate seal, and to alter it at pleasure.

SEC. 2. They shall have power to make and enforce bylaws, such as are necessary for the management of the business of said corporation, and the government of all its affairs.

SEC. 3. The capital stock of said company shall not exceed twelve thousand dollars, to be divided in shares of twenty-five dollars each, and be considered as personal property, transferable on the books of said company, in such manner as their bylaws shall direct; and in meetings of the stockholders, each share shall be entitled to one vote, and the stockholders, may vote in person or by proxy; and said company may once in each year elect a board of directors, one of whom shall be president, and each director shall be a stockholder when elected, and shall cease to be a director when he ceases to be a stockholder.

SEC. 4. Said company may, and they are hereby authorized to erect a bridge of substantial materials, of a proper width to admit teams freely across the Great Miami river, near the town of Carrollton, in Montgomery county; said bridge to be at all times kept in good and safe condition; they shall have power to appropriate private property, such as is necessary for the construction of said bridge; and should any complaint arise or claim be set up on account of such use of private property, and if the parties cannot agree on the value thereof, then said damages shall be valued by three disinterested men, to be appointed by the county commissioners of said county, who shall view the premises, and on oath or affirmation, assess the damages, which shall, if any, be paid by said company, with reasonable cost; but if no damages are allowed, then said applicants shall pay the cost; and their award shall be final.

SEC. 5. That when said bridge is constructed so as to be used by the public with safety, then they may erect a gate thereon, and demand and collect any sum not exceeding the following rates of toll:

For each footman, three cents;

For every horse, mule, or ass, led or driven, three cents;

For every horse and rider, five cents;

For every wagon, buggy, carriage, cart, sled or sleigh, drawn by one horse or other animal, fifteen cents;

For every wagon, carriage, stage coach, drawn by two horses or other animals, twenty-five cents; for every additional animal, five cents;

For every head of neat cattle, two cents ;  
For every head of sheep or hogs, one cent.

SEC. 6. That all persons or bodies corporate subscribing to the capital stock of said company, refusing or neglecting to pay their subscriptions, or installments thereon, at such time and place as shall be appointed by the directors of said company, or their authorized agent, the same may be collected by suit in any court of competent jurisdiction, thirty days' notice having first been given.

SEC. 7. Any five or more of the persons named in the first section of this act, or any other who shall subscribe to the stock, and organize under and comply with all the provisions of this act, shall be endowed with all the powers, rights, privileges and protection contained in or conferred by the provisions of the same.

SEC. 8. That all funeral processions, all persons going to or returning from church on the Sabbath, and all troops of the United States, shall be permitted to pass said bridge without paying toll.

SEC. 9. This act shall be in force from and after the passage thereof.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 8, 1848.

#### AN ACT

To lay out and establish a Free Turnpike Road from Delaware, in Delaware county, to Kenton in Hardin county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That C. Neil, and N. P. Havens, of the county of Delaware ; Cornelius S. Hamilton, James B. W. Haynes, of the county of Union ; Wm. Taylor, Sanford S. Bennet, of the county of Marion ; and Portius Wheeler, and Alexander Thompson, of the county of Hardin, be and they are hereby appointed commissioners to lay out and establish a free turnpike road ; beginning at Delaware, in Delaware county, from thence running by way of Richwood and Essex, in Union county, Homesville, in Marion county, and Wheeler's tavern, in Hardin county, to Kenton in Hardin county ; running as near as practicable on roads now established between the places hereinabove named ; and said commissioners shall, in the location, construction, and repair of said road, be governed by the provisions of an act entitled "an act to provide for laying out and establishing free turnpike roads," passed March twelve, one thousand eight hundred and forty-five, and the acts amendatory thereto : Provided, that no road taxes levied on any property, real or personal, south of the State road leading from Delaware to Marysville, shall be applied to the construction or repair of the free turnpike hereby authorized.

SEC. 2.. That the commissioners hereby appointed, and their successors, shall be a corporation by the name of the Delaware and Kenton Free Turnpike Road, and said corporation shall have all the rights, powers and privileges, and be subject to the restrictions of the act above recited.

SEC. 3. A majority of the persons named in this act shall be competent to discharge all the duties herein authorized and required.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

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AN ACT

Further to enable the Knoxville School Company, in Jefferson county, to close the concerns of said Company.

WHEREAS, a special act was passed on the ninth day of February, eighteen hundred and thirty, entitled "an act to enable the Knoxville School Company," in the county of Jefferson, to close the concerns of said company, and under the provisions of that act a sale was made of the estate of said company, but no conveyance of the title was ever executed, and whereas, the papers and records of said company by death and removal, left so few as to render it impossible to close the concern agreeable to the provisions of the consent of a majority: therefore—

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the present officers of [the] Knoxville School Company to act upon the consent heretofore obtained, and sale made under the provisions of the special act of eighteen hundred and thirty, and close the concerns of said company in the same manner as though they had the consent of a majority of said stockholders.

SEC. 2. *Be it further enacted,* That when the avails of sale of the property of the said company heretofore made shall be paid into the treasury of said company, it shall be the duty of the treasurer to cause a dividend to be made, from the best evidence he can obtain, of the amount of original stock, he shall give notice by advertisement in a newspaper printed in said county, of such dividend being made, and shall pay the same over to the stockholders or their legal representatives, upon their establishing their title to such dividend.

SEC. 3. *Be it further enacted,* That all moneys remaining in the treasury of said company, and not paid out agreeably to the provisions of the foregoing section, within one year from the date of such notice, shall be donated to the Knoxville school district, where the school house is situated, and be applied for school purposes the same as other moneys belonging to said district; and the clerk of said company shall cause an abstract of the proceedings of the officers of said company, had under the provisions of

this act to be performed in the office of the recorder of Jefferson county, and then said company shall cease to be a corporate body; subject, however, to the same personal liabilities contained in the special act of expropriation enacted and thirty.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1942.

#### AN ACT

To amend the act to establish a Free Turnpike Road from Whitesville, in Jefferson county, to Mazonia, in Stark county.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the act to which this is an amendment, be and the same is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 9, 1942.

#### AN ACT

To establish a Free Turnpike Road from Canton, in Stark county, to New Harriaburgh, in Carroll county.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Lewis Vail, David Bear and John Shearer, of Stark county; George Arbockle, William Brothers, Samuel J. Ross, David Hardesty and Samuel A. Highlands, of Carroll county, be and they are hereby appointed commissioners to establish and construct a free turnpike road on the State road running from Canton, in Stark county, through the village of Malvern, to New Harriaburgh, in Carroll county: Provided, that said commissioners, in locating said road, may deviate from the present location of said State road, when, in their opinion, the distance and situation of the road would be improved by such change; but in no instance shall they depart from any point mentioned in this section.

Sec. 2. That said commissioners, and their successors, shall be a corporation by the name and style of the Malvern Free Turnpike Road; and they shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for laying out and establishing



free turnpike roads, passed March twelve, one thousand eight hundred and forty-five, except so far as the same may be modified or changed by this act.

SEC. 3. At those points where this road may conflict with the Carrollton Free Turnpike Road, in the collection of taxes or appropriation of labor, such tax and labor shall be equally divided between the two roads.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 8, 1848.

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AN ACT

To incorporate the town of Franklin, in the county of Warren, and to repeal all laws heretofore enacted on that subject.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Franklin, in the county of Warren, as is contained in the plat of the town of Franklin, as recorded in the office for recording deeds in the county of Hamilton, together with the following additional territory: beginning at the southwest corner of said corporation line; thence, down the Great Miami river, to Ballentine's alley; thence eastwardly, with said alley, to the Miami Canal; thence, with the canal, to the present corporation line, is hereby created a town corporate, to be known and designated by the name of the town of Franklin; and by that name shall be a body corporate and politic, with perpetual succession.

SEC. 2. That said town of Franklin shall be entitled to all the privileges, and subject to all the restrictions, of the act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty-nine, and the acts amendatory thereto, except as hereinafter provided.

SEC. 3. That taxes levied by said town council shall be collected in the following manner: When the town council shall have determined the per centum to be levied upon the taxable property within the bounds of said corporation, they shall cause the same to be duly certified to the auditor of the county of Warren; and the said auditor is hereby authorized and directed to charge to the proper persons the tax so assessed upon the amount of taxable property, held by such persons within the limits of said corporation, in a separate column, to be ruled for that purpose, in the duplicate of taxes assessed for State and county purposes; which said corporation taxes shall be collected by the county treasurer of said county, or such other officer as may hereafter be authorized by law to collect the taxes of said county, and paid into the treasury of said corporation, in the same manner and with the same power, and under the same restrictions and regulations,

it all retained as it the sale of real estate or personal property thereon, as may be provided and required by law for the collection of State and county taxes.

**ART. 4.** That the same returns shall accrue, and the same proceed-ings be had for the corporation taxes on 1887 lots and other property re-lated belonging to the county treasurer, as in case of other taxes which may be due on said lots or other property liable to said tax according to laws and county taxes: the amount of taxes assessed for corporation pur-pose shall be added thereto, and be collected hereafter whenever such due shall have passed: and the county treasurer shall be allowed five per centum on all moneys collected by him, and paid into the treasury of said corporation.

**ART. 5.** It shall be the duty of said county auditor, at the time of set-ting with the county treasurer, to make out and deliver to said county treas-urer or other officer, a certificate of the amount collected for corporation purposes after deducting his fees: and the said county treasurer shall, with-in ten days thereafter, pay over the full amount of money specified in said certificate to the treasurer of the corporation, and take duplicate re-ceipt therefor, one of which he shall deliver to the recorder of the corpo-ration, the other he shall retain for his voucher.

**ART. 6.** The town council shall allow the county auditor, under this act, the same fees which may be allowed by law for like services in similar cases, to be paid out of the funds of said corporation.

**ART. 7.** That an act entitled "an act to incorporate the town of Frank-lin, in the county of Warren," passed January the eleventh, A. D. one thousand eight hundred and fourteen; and also - an act supplementary to the act entitled "an act to incorporate the town of Franklin, in the county of Warren," passed February thirteenth, A. D. one thousand eight hun-dred and fifteen; also, "an act to amend an act entitled 'an act to incor-porate the town of Franklin, in the county of Warren,'" passed March ninth, A. D. one thousand eight hundred and thirty-seven, be and the same are hereby repealed: Provided, however, that all the ordinances, laws and bylaws, rules and regulations, duly made by the mayor and trustees of the town of Franklin, and which are now in force, and not annulled or re-pealed, shall continue in full force and effect until repealed by the mayor, recorder and trustees of the town of Franklin, under the powers conferred by this act, anything in this act to the contrary notwithstanding; and all contracts made, and now in force, shall remain in full force, and may be prosecuted to final judgment, in the same manner as though this act had not been passed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848

## AN ACT

To establish a State road in the counties of Preble and Montgomery.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jacob Schnoeff, of Montgomery county; Daniel Wolf and John M. Ammons, of Preble county, and the surveyor of Preble county, be and they are hereby appointed commissioners to lay out and establish a State road; commencing at the town of New Baltimore, on the county line between the counties of Preble and Montgomery; and thence south, along said county line, to the town of Mercersburgh, so as to intersect the State road leading from Middletown, in Butler county, to Winchester, in Preble county.

SEC. 2. That the commissioners aforesaid shall be governed, in all respects, by the law now in force establishing State roads, passed March fourteenth, one thousand eight hundred and thirty-one, and the several acts amendatory thereto.

SEC. 3. That should any vacancy occur in any of the foregoing appointments, by death or otherwise, the county commissioners of Preble county, on being notified thereof, shall forthwith fill the same.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To incorporate the Union and Greenville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Andrew Sheets, Charles Esterbrook, Thomas J. Smith, Henry Arnold, David Studebaker, Alfred Kitchen, Daniel Sharp, Asa Jones, and Allen Pearson, of the counties of Darke and Montgomery, and their associates, be and they are hereby created a body corporate under the name of the Union and Greenville Turnpike Road Company, for the purpose of constructing a turnpike road, commencing one half mile north of the town of Union, in Montgomery county, at the Dayton and Covington turnpike road, at the south line of section three, of township five, in range six, and running thence, westwardly, through Phillipsburgh, Schencksville and Ithaca, to Greenville, in Darke county; and said company shall have all the rights, privileges and powers, and be subject to all the restrictions provided in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the acts amendatory thereto, except so far as the same may be changed or modified by this act.

SEC. 2. The capital stock of said company may be seventy-five thousand dollars, to be divided into shares of fifty dollars each.

SEC. 3. The stockholders in said company shall have the privilege of traveling said road free of toll: Provided, such travel shall not, in any one year, at the regular rates of toll upon said road, exceed five per centum on the amount of stock by them respectively held.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

#### AN ACT

To lay out and establish a Free Turnpike Road from Bellecentre, in Logan county, to Roundhead, in Hardin county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John L. Hemphill, William Marsh, and James S. Johnson, or any two of them, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, to commence at Bellecentre, in Logan county, and thence to run on the nearest and most practicable route to Roundhead, in Hardin county.

SEC. 2. That said road shall be constructed, repaired and preserved in the manner pointed out in the "act to provide for laying out and establishing free turnpike roads," passed March thirteen, one thousand eight hundred and forty-five, and the acts amendatory thereto, except so far as the same may be modified or changed by the provisions of this act.

SEC. 3. That said commissioners, and their successors in office, shall be a body corporate by the name and style of the Bellecentre and Roundhead Free Turnpike Road, and shall be governed, in all their proceedings, by the acts above recited, and have all the powers conferred thereby, and be subject to all the restrictions thereof, except as may be herein provided.

SEC. 4. That the county commissioners of the counties of Logan and Hardin, shall, in their respective counties, order and direct, at any regular or special session called for the purpose, all or such portion as they respectively deem proper of the taxes levied on all property, real and personal, for road purposes, within two miles of said road, to be appropriated and applied to the construction and repair of said road, and they may, respectively, from time to time, make such order in relation to apportioning said road taxes to said road as they may deem proper; and all such taxes shall be collected, appropriated and discharged, in the manner now authorized by law, but no road tax shall be applied to the construction or repair of said road unless ordered and directed by said county commissioners.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To lay out and establish the Williamstown and Patterson Free Turnpike Road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That P. C. Boslaw, Thomas Hueston, and Josiah Price, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, to commence on the line between Hancock and Hardin county, where the Williamstown Free Turnpike Road terminates in said county line; thence running on the most practicable route to the town of Patterson, on the Mad River and Lake Erie Railroad.

SEC. 2. That said road shall be constructed, repaired and preserved in the manner pointed out in the "act to provide for laying out and establishing free turnpike roads," passed March twelve, one thousand eight hundred and forty-five, and the acts amendatory thereto, except so far as the same may be modified or changed by the provisions of this act.

SEC. 3. That said commissioners and their successors in office shall be a body corporate by the name and style of the Williamstown and Patterson Free Turnpike Road, and shall be governed, in all their proceedings, by the acts above recited and have all the powers conferred thereby, and be subject to all the restrictions thereof, except as may be herein provided.

SEC. 4. That the county commissioners of Hardin county shall, at any regular or special session called for the purpose, order and direct all or such portion as they may deem proper, of the taxes on all property real and personal for road purposes, within two miles of said road, to be appropriated and applied to the construction and repair of said road; and they may, from time to time, make such order in relation to appropriating said road taxes to said road as they may deem proper; and all such taxes shall be collected, appropriated and discharged in the manner now authorized by law, but no road tax shall be applied to the construction or repair of said road, unless ordered and directed by said county commissioners.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To amend the act entitled "An act to incorporate the East Fork Road and Bridge Company."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the persons named in the act to which this is an amendment, or any three of them, after giving fifteen days' notice thereof in some newspaper printed in Clermont county, are authorized to open books for the subscription to the capital stock of said company, at such time and place as they may deem expedient; and when eighty shares or two thousand dollars of capita

stock shall have been subscribed, they may, by public notice, call a meeting of the stockholders, and proceed to elect seven directors, who shall choose, out of their number, one person to be president, and one to be treasurer and secretary of said company.

SEC. 2. That the commissioners of Clermont be and they are hereby authorized to subscribe to the capital stock of the East Fork and Bridge Company, any sum not exceeding two thousand dollars; and the stock so subscribed for shall be under the control of the said commissioners, in all respects, as stock owned by individuals.

SEC. 3. That so much of the act to which this is an amendment, as is inconsistent with the provisions of this act, is hereby repealed.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 8, 1848.

#### AN ACT

To amend the act entitled "An act to incorporate the town of Westville," passed February 9, 1836.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the act entitled "an act to incorporate the town of Westville," passed February ninth, one thousand eight hundred and thirty-six, as requires the qualified electors of said town to hold an election on the first Monday of April, annually, be and the same is hereby so amended as to authorize said election to be held on the first Monday of March, annually.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 8, 1848.

#### AN ACT

To incorporate the Xenia Academy.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That David Medsker, Cornelius Wilkin, Jas. A. Scott, Andrew Heron, E. F. Drake, John B. Allen, John Duncan, Daniel Martin, their associates and successors, be and they are hereby created a body corporate with perpetual succession, by the name of the Xenia Seminary, and by that name shall have power to sue and be sued, contract and be contracted with, plead and

be impleaded, in all courts and elsewhere; to make and have a common seal, and the same to alter and renew at pleasure; to acquire and hold such real estate, not exceeding in value twenty thousand dollars, as may be used exclusively for said seminary and buildings and grounds connected therewith, and such personal property, books, apparatus and instruments as may be acquired for the use of said seminary, and to sell, dispose of and convey the same at pleasure.

SEC. 2. That the affairs of said corporation shall be managed by a board of directors consisting of seven members, one of whom shall be chosen by them as president; they shall be chosen by the stockholders in person or by proxy, at such time and place as may be fixed by the persons named in the first section of this act or any three of them; and after the first election they shall be chosen annually at such time and place as the bylaws may direct; and the directors, when chosen, shall continue in office until their successors are chosen, and a majority of them accept their appointments.

SEC. 3. That the capital stock of said company shall consist of any sum not exceeding twenty-five thousand dollars, divided into shares of twenty dollars each.

SEC. 4. The directors shall have power to make and establish rules, regulations and bylaws for the government of such corporation as they may deem proper; appoint all officers and agents, and do and perform all acts necessary or convenient to carry into full effect the objects of the association, not inconsistent with the laws of the State of Ohio or the United States.

SEC. 5. The directors shall have power to receive any donations or bequests of property to such corporation; and the principal teacher, by the consent of the directors, may confer, under the corporate seal of the corporation, degrees and testimonials of attainment in each and every branch of learning which may be taught in said institution.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 11, 1848.

#### AN ACT

To amend the act entitled "An act to incorporate the Mechanics' Saving Fund Society of Steubenville," passed February 8, 1834.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the provisions of "an act to incorporate the Mechanics' Saving Fund Society of Steubenville," passed February eight, eighteen hundred and thirty-four, be and the same are hereby extended fifteen years; and the corporation created by said act shall have all the rights, powers and privileges, and be subject to all the restrictions and liabilities of said act, except as hereinafter provided.

**SEC. 2.** That deposits received by said society from minors, married women, single women or other persons, shall be subject to the control of such depositors; and all deposits made for minors, married women, or charities, shall be controlled and paid out as the person or persons making such deposits may direct.

**SEC. 3.** That said society may receive warrants of attorney authorizing confession of judgment for the principal and interest due on bonds, notes or other obligations, and may take judgment accordingly in any court of record in this State.

**SEC. 4.** That the proper accounting officer of said society shall return for taxation the average amount of the deposits made in such institution, in the manner prescribed in the sixtieth section of the "act for levying taxes on all property in this State according to its true value," passed March second, eighteen hundred and forty-six; and the average amount of deposits so returned shall be placed on the duplicate for taxation, as other moneys and credits for State, county and township purposes, and said institution shall be taxed for no other purpose whatever.

**SEC. 5.** Nothing herein contained shall deprive the General Assembly of the power, at any time hereafter, to change the mode of taxation specified in this act.

**SEC. 6.** This act to take effect from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 11, 1849.

#### AN ACT

To amend an act entitled "an act to revive and amend an act entitled 'an act to incorporate the Portsmouth and Columbus Turnpike Company.'"

**WHEREAS**, by the terms of the act entitled "an act to revive and amend an act entitled 'an act to incorporate the Portsmouth and Columbus Turnpike Company,'" said turnpike company were required to complete and finish said turnpike throughout its whole extent: and whereas, said term of ten years has now expired: and whereas, some eight miles of said road yet remains unfinished; therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the corporate powers and franchise of the Portsmouth and Columbus Turnpike Company be and they are hereby revived and declared to be in full virtue and effect, the same as though the time for the completion of said road had not expired; and the time for the completion of said road is hereby extended until the first day of July, one thousand eight hundred and fifty-four.



SEC. 2. So much of an act entitled "an act to revive and amend an act to incorporate the Portsmouth and Columbus Turnpike Company," to which this act is an amendment, as conflicts with the provisions of this act, be and the same are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 11, 1848.

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AN ACT

To incorporate the Toledo and Woodville Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That James Myers, Matthew Johnson, Daniel Segur, Daniel McBain and Edward Haskill, of the county of Lucas; and Amos H. Wood, of the county of Sandusky, and their associates, be and they are hereby created a body corporate under the name of the Toledo and Woodville Plank Road Company, for the purpose of constructing a plank road, and the necessary bridges and culverts, from the east bank of the Maumee river, in the township of Oregon, in the county of Lucas, commencing at a point opposite the city of Toledo, to Woodville, in the county of Sandusky, making the residence of Harvey L. Warriner, in the county of Ottawa, a point in said road; which company shall have all [the] rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the provisions of this act.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each; and said company may enlarge the same, if they see cause, to an amount not exceeding one hundred thousand dollars.

SEC. 3. That if said company shall not be organized within two years after the passage of this act, and shall not, within three years thereafter have at least two-thirds of said road completed, then this act shall be null and void.

SEC. 4. Said company shall have power to construct said road of plank, extending not less than eight feet in width across the centre of the track; said plank to be not less than three inches thick and firmly bedded upon the ground, and also resting upon sleepers imbedded in the ground, so as to be even with the surface of said road bed.

SEC. 5. That if said company shall deem it expedient, in the selection of the route or line of said road, or in the construction of the same, to connect it with or to use any road, street or bridge, made or erected by any company or persons incorporated or authorized by any law of this State, it shall be lawful for said company or persons, and they are hereby authorized,

For every head of neat cattle, two cents ;

For every head of sheep or hogs, one cent.

SEC. 6. That all persons or bodies corporate subscribing to the capital stock of said company, refusing or neglecting to pay their subscriptions, or installments thereon, at such time and place as shall be appointed by the directors of said company, or their authorized agent, the same may be collected by suit in any court of competent jurisdiction, thirty days' notice having first been given.

SEC. 7. Any five or more of the persons named in the first section of this act, or any other who shall subscribe to the stock, and organize under and comply with all the provisions of this act, shall be endowed with all the powers, rights, privileges and protection contained in or conferred by the provisions of the same.

SEC. 8. That all funeral processions, all persons going to or returning from church on the Sabbath, and all troops of the United States, shall be permitted to pass said bridge without paying toll.

SEC. 9. This act shall be in force from and after the passage thereof.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

#### AN ACT

To lay out and establish a Free Turnpike Road from Delaware, in Delaware county, to Kenton in Hardin county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That C. Neil, and N. P. Havens, of the county of Delaware ; Cornelius S. Hamilton, James B. W. Haynes, of the county of Union ; Wm. Taylor, Sanford S. Bennet, of the county of Marion ; and Portius Wheeler, and Alexander Thompson, of the county of Hardin, be and they are hereby appointed commissioners to lay out and establish a free turnpike road ; beginning at Delaware, in Delaware county, from thence running by way of Richwood and Essex, in Union county, Homesville, in Marion county, and Wheeler's tavern, in Hardin county, to Kenton in Hardin county ; running as near as practicable on roads now established between the places hereinabove named ; and said commissioners shall, in the location, construction, and repair of said road, be governed by the provisions of an act entitled "an act to provide for laying out and establishing free turnpike roads," passed March twelve, one thousand eight hundred and forty-five, and the acts amendatory thereto : Provided, that no road taxes levied on any property, real or personal, south of the State road leading from Delaware to Marysville, shall be applied to the construction or repair of the free turnpike hereby authorized.

SEC. 2.. That the commissioners hereby appointed, and their successors, shall be a corporation by the name of the Delaware and Kenton Free Turnpike Road, and said corporation shall have all the rights, powers and privileges, and be subject to the restrictions of the act above recited.

SEC. 3. A majority of the persons named in this act shall be competent to discharge all the duties herein authorized and required.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 8, 1848.

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#### AN ACT

Further to enable the Knoxville School Company, in Jefferson county, to close the concerns of said Company.

WHEREAS, a special act was passed on the ninth day of February, eighteen hundred and thirty, entitled "an act to enable the Knoxville School Company," in the county of Jefferson, to close the concerns of said company, and under the provisions of that act a sale was made of the estate of said company, but no conveyance of the title was ever executed, and whereas, the papers and records of said company by death and removal, left so few as to render it impossible to close the concern agreeable to the provisions of the consent of a majority: therefore—

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the present officers of [the] Knoxville School Company to act upon the consent heretofore obtained, and sale made under the provisions of the special act of eighteen hundred and thirty, and close the concerns of said company in the same manner as though they had the consent of a majority of said stockholders.

SEC. 2. *Be it further enacted,* That when the avails of sale of the property of the said company heretofore made shall be paid into the treasury of said company, it shall be the duty of the treasurer to cause a dividend to be made, from the best evidence he can obtain, of the amount of original stock, he shall give notice by advertisement in a newspaper printed in said county, of such dividend being made, and shall pay the same over to the stockholders or their legal representatives, upon their establishing their title to such dividend.

SEC. 3. *Be it further enacted,* That all moneys remaining in the treasury of said company, and not paid out agreeably to the provisions of the foregoing section, within one year from the date of such notice, shall be donated to the Knoxville school district, where the school house is situated, and be applied for school purposes the same as other moneys belonging to said district; and the clerk of said company shall cause an abstract of the proceedings of the officers of said company, had under the provisions of

this act, to be recorded in the office of the recorder of Jefferson county, and then said company shall cease to be a corporate body; subject, however, to the same personal liabilities contained in the special act of eighteen hundred and thirty.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

#### AN ACT

To amend the act to establish a Free Turnpike Road from Winterville, in Jefferson county, to Massillon, in Stark county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the act to which this is an amendment, be and the same is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

#### AN ACT

To establish a Free Turnpike Road from Canton, in Stark county, to New Harrisburgh, in Carroll county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Lewis Vail, David Bear and John Shearer, of Stark county; George Arbuckle, William Brothers, Samuel J. Ross, David Hardesty and Samuel A. Highlands, of Carroll county, be and they are hereby appointed commissioners to establish and construct a free turnpike road on the State road running from Canton, in Stark county, through the village of Malvern, to New Harrisburgh, in Carroll county: Provided, that said commissioners, in locating said road, may deviate from the present location of said State road, when, in their opinion, the distance and situation of the road would be improved by such change; but in no instance shall they depart from any point mentioned in this section.

SEC. 2. That said commissioners, and their successors, shall be a corporation by the name and style of the Malvern Free Turnpike Road; and they shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for laying out and establishing

free turnpike roads, passed March twelve, one thousand eight hundred and forty-five, except so far as the same may be modified or changed by this act.

SEC. 3. At those points where this road may conflict with the Carrollton Free Turnpike Road, in the collection of taxes or appropriation of labor, such tax and labor shall be equally divided between the two roads.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 8, 1848.

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AN ACT

To incorporate the town of Franklin, in the county of Warren, and to repeal all laws heretofore enacted on that subject.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Franklin, in the county of Warren, as is contained in the plat of the town of Franklin, as recorded in the office for recording deeds in the county of Hamilton, together with the following additional territory: beginning at the southwest corner of said corporation line; thence, down the Great Miami river, to Ballentine's alley; thence eastwardly, with said alley, to the Miami Canal; thence, with the canal, to the present corporation line, is hereby created a town corporate, to be known and designated by the name of the town of Franklin; and by that name shall be a body corporate and politic, with perpetual succession.

SEC. 2. That said town of Franklin shall be entitled to all the privileges, and subject to all the restrictions, of the act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty-nine, and the acts amendatory thereto, except as hereinafter provided.

SEC. 3. That taxes levied by said town council shall be collected in the following manner: When the town council shall have determined the per centum to be levied upon the taxable property within the bounds of said corporation, they shall cause the same to be duly certified to the auditor of the county of Warren; and the said auditor is hereby authorized and directed to charge to the proper persons the tax so assessed upon the amount of taxable property, held by such persons within the limits of said corporation, in a separate column, to be ruled for that purpose, in the duplicate of taxes assessed for State and county purposes; which said corporation taxes shall be collected by the county treasurer of said county, or such other officer as may hereafter be authorized by law to collect the taxes of said county, and paid into the treasury of said corporation, in the same manner and with the same power, and under the same restrictions and regulations,

in all respects, as to the sale of real estate or personal property therefor, as may be provided and required by law for the collection of State and county taxes.

SEC. 4. That the same penalties shall accrue, and the same proceedings be had, for the corporation taxes on town lots and other property returned delinquent by the county treasurer, as in case of other taxes which may be due on said lots or other property liable to sale for arrearages of State and county taxes; the arrears of taxes assessed for corporation purposes shall be added thereto, and be collected therewith, whenever such sale shall take place; and the county treasurer shall be allowed five per centum on all moneys collected by him, and paid into the treasury of said corporation.

SEC. 5. It shall be the duty of said county auditor, at the time of settling with the county treasurer, to make out and deliver to said county treasurer, or other officer, a certificate of the amount collected for corporation purposes, after deducting his fees; and the said county treasurer shall, within twenty days thereafter, pay over the full amount of money, specified in said certificate, to the treasurer of the corporation, and take duplicate receipts therefor, one of which he shall deliver to the recorder of the corporation, the other he shall retain for his voucher.

SEC. 6. The town council shall allow the county auditor, under this act, the same fees which may be allowed by law for like services in similar cases, to be paid out of the funds of said corporation.

SEC. 7. That an act entitled "an act to incorporate the town of Franklin, in the county of Warren," passed January the eleventh, A. D. one thousand eight hundred and fourteen; and also "an act supplementary to the act entitled 'an act to incorporate the town of Franklin, in the county of Warren,'" passed February thirteenth, A. D. one thousand eight hundred and fifteen; also, "an act to amend an act entitled 'an act to incorporate the town of Franklin, in the county of Warren,'" passed March ninth, A. D. one thousand eight hundred and thirty-seven, be and the same are hereby repealed: Provided, however, that all the ordinances, laws and bylaws, rules and regulations, duly made by the mayor and trustees of the town of Franklin, and which are now in force, and not annulled or repealed, shall continue in full force and effect until repealed by the mayor, recorder and trustees of the town of Franklin, under the powers conferred by this act, anything in this act to the contrary notwithstanding; and all contracts made, and now in force, shall remain in full force, and may be prosecuted to final judgment, in the same manner as though this act had not been passed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848

## AN ACT

To establish a State road in the counties of Preble and Montgomery.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jacob Schnoeff, of Montgomery county; Daniel Wolf and John M. Ammons, of Preble county, and the surveyor of Preble county, be and they are hereby appointed commissioners to lay out and establish a State road; commencing at the town of New Baltimore, on the county line between the counties of Preble and Montgomery; and thence south, along said county line, to the town of Mercersburgh, so as to intersect the State road leading from Middletown, in Butler county, to Winchester, in Preble county.

SEC. 2. That the commissioners aforesaid shall be governed, in all respects, by the law now in force establishing State roads, passed March fourteenth, one thousand eight hundred and thirty-one, and the several acts amendatory thereto.

SEC. 3. That should any vacancy occur in any of the foregoing appointments, by death or otherwise, the county commissioners of Preble county, on being notified thereof, shall forthwith fill the same.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To incorporate the Union and Greenville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Andrew Sheets, Charles Esterbrook, Thomas J. Smith, Henry Arnold, David Studebaker, Alfred Kitchen, Daniel Sharp, Asa Jones, and Allen Pearson, of the counties of Darke and Montgomery, and their associates, be and they are hereby created a body corporate under the name of the Union and Greenville Turnpike Road Company, for the purpose of constructing a turnpike road, commencing one half mile north of the town of Union, in Montgomery county, at the Dayton and Covington turnpike road, at the south line of section three, of township five, in range six, and running thence, westwardly, through Phillipsburgh, Schencksville and Ithaca, to Greenville, in Darke county; and said company shall have all the rights, privileges and powers, and be subject to all the restrictions provided in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the acts amendatory thereto, except so far as the same may be changed or modified by this act.

SEC. 2. The capital stock of said company may be seventy-five thousand dollars, to be divided into shares of fifty dollars each.

SEC. 3. The stockholders in said company shall have the privilege of traveling said road free of toll: Provided, such travel shall not, in any one year, at the regular rates of toll upon said road, exceed five per centum on the amount of stock by them respectively held.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

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AN ACT

To lay out and establish a Free Turnpike Road from Bellecentre, in Logan county, to Roundhead, in Hardin county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John L. Hemphill, William Marsh, and James S. Johnson, or any two of them, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, to commence at Bellecentre, in Logan county, and thence to run on the nearest and most practicable route to Roundhead, in Hardin county.

SEC. 2. That said road shall be constructed, repaired and preserved in the manner pointed out in the "act to provide for laying out and establishing free turnpike roads," passed March thirteen, one thousand eight hundred and forty-five, and the acts amendatory thereto, except so far as the same may be modified or changed by the provisions of this act.

SEC. 3. That said commissioners, and their successors in office, shall be a body corporate by the name and style of the Bellecentre and Roundhead Free Turnpike Road, and shall be governed, in all their proceedings, by the acts above recited, and have all the powers conferred thereby, and be subject to all the restrictions thereof, except as may be herein provided.

SEC. 4. That the county commissioners of the counties of Logan and Hardin, shall, in their respective counties, order and direct, at any regular or special session called for the purpose, all or such portion as they respectively deem proper of the taxes levied on all property, real and personal, for road purposes, within two miles of said road, to be appropriated and applied to the construction and repair of said road, and they may, respectively, from time to time, make such order in relation to apportioning said road taxes to said road as they may deem proper; and all such taxes shall be collected, appropriated and discharged, in the manner now authorized by law, but no road tax shall be applied to the construction or repair of said road unless ordered and directed by said county commissioners.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.



## AN ACT

To lay out and establish the Williamstown and Patterson Free Turnpike Road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That P. C. Boslaw, Thomas Hueston, and Josiah Price, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, to commence on the line between Hancock and Hardin county, where the Williamstown Free Turnpike Road terminates in said county line; thence running on the most practicable route to the town of Patterson, on the Mad River and Lake Erie Railroad.

SEC. 2. That said road shall be constructed, repaired and preserved in the manner pointed out in the "act to provide for laying out and establishing free turnpike roads," passed March twelve, one thousand eight hundred and forty-five, and the acts amendatory thereto, except so far as the same may be modified or changed by the provisions of this act.

SEC. 3. That said commissioners and their successors in office shall be a body corporate by the name and style of the Williamstown and Patterson Free Turnpike Road, and shall be governed, in all their proceedings, by the acts above recited and have all the powers conferred thereby, and be subject to all the restrictions thereof, except as may be herein provided.

SEC. 4. That the county commissioners of Hardin county shall, at any regular or special session called for the purpose, order and direct all or such portion as they may deem proper, of the taxes on all property real and personal for road purposes, within two miles of said road, to be appropriated and applied to the construction and repair of said road; and they may, from time to time, make such order in relation to appropriating said road taxes to said road as they may deem proper; and all such taxes shall be collected, appropriated and discharged in the manner now authorized by law, but no road tax shall be applied to the construction or repair of said road, unless ordered and directed by said county commissioners.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 8, 1848.

## AN ACT

To amend the act entitled "An act to incorporate the East Fork Road and Bridge Company."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the persons named in the act to which this is an amendment, or any three of them, after giving fifteen days' notice thereof in some newspaper printed in Clermont county, are authorized to open books for the subscription to the capital stock of said company, at such time and place as they may deem expedient; and when eighty shares or two thousand dollars of capital

stock shall have been subscribed, they may, by public notice, call a meeting of the stockholders, and proceed to elect seven directors, who shall choose, out of their number, one person to be president, and one to be treasurer and secretary of said company.

SEC. 2. That the commissioners of Clermont be and they are hereby authorized to subscribe to the capital stock of the East Fork and Bridge Company, any sum not exceeding two thousand dollars; and the stock so subscribed for shall be under the control of the said commissioners, in all respects, as stock owned by individuals.

SEC. 3. That so much of the act to which this is an amendment, as is inconsistent with the provisions of this act, is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

#### AN ACT

To amend the act entitled "An act to incorporate the town of Westville," passed February 9, 1836.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the act entitled "an act to incorporate the town of Westville," passed February ninth, one thousand eight hundred and thirty-six, as requires the qualified electors of said town to hold an election on the first Monday of April, annually, be and the same is hereby so amended as to authorize said election to be held on the first Monday of March, annually.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 8, 1848.

#### AN ACT

To incorporate the Xenia Academy.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That David Medsker, Cornelius Wilkin, Jas. A. Scott, Andrew Heron, E. F. Drake, John B. Allen, John Duncan, Daniel Martin, their associates and successors, be and they are hereby created a body corporate with perpetual succession, by the name of the Xenia Seminary, and by that name shall have power to sue and be sued, contract and be contracted with, plead and

be impleaded, in all courts and elsewhere; to make and have a common seal, and the same to alter and renew at pleasure; to acquire and hold such real estate, not exceeding in value twenty thousand dollars, as may be used exclusively for said seminary and buildings and grounds connected therewith, and such personal property, books, apparatus and instruments as may be acquired for the use of said seminary, and to sell, dispose of and convey the same at pleasure.

SEC. 2. That the affairs of said corporation shall be managed by a board of directors consisting of seven members, one of whom shall be chosen by them as president; they shall be chosen by the stockholders in person or by proxy, at such time and place as may be fixed by the persons named in the first section of this act or any three of them; and after the first election they shall be chosen annually at such time and place as the bylaws may direct; and the directors, when chosen, shall continue in office until their successors are chosen, and a majority of them accept their appointments.

SEC. 3. That the capital stock of said company shall consist of any sum not exceeding twenty-five thousand dollars, divided into shares of twenty dollars each.

SEC. 4. The directors shall have power to make and establish rules, regulations and bylaws for the government of such corporation as they may deem proper; appoint all officers and agents, and do and perform all acts necessary or convenient to carry into full effect the objects of the association, not inconsistent with the laws of the State of Ohio or the United States.

SEC. 5. The directors shall have power to receive any donations or bequests of property to such corporation; and the principal teacher, by the consent of the directors, may confer, under the corporate seal of the corporation, degrees and testimonials of attainment in each and every branch of learning which may be taught in said institution.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 11, 1848.

#### AN ACT

To amend the act entitled "An act to incorporate the Mechanics' Saving Fund Society of Steubenville," passed February 8, 1834.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the provisions of "an act to incorporate the Mechanics' Saving Fund Society of Steubenville," passed February eight, eighteen hundred and thirty-four, be and the same are hereby extended fifteen years; and the corporation created by said act shall have all the rights, powers and privileges, and be subject to all the restrictions and liabilities of said act, except as hereinafter provided.

SEC. 2. That deposits received by said society from minors, married women, single women or other persons, shall be subject to the control of such depositors; and all deposits made for minors, married women, or charities, shall be controlled and paid out as the person or persons making such deposits may direct.

SEC. 3. That said society may receive warrants of attorney authorizing confession of judgment for the principal and interest due on bonds, notes or other obligations, and may take judgment accordingly in any court of record in this State.

SEC. 4. That the proper accounting officer of said society shall return for taxation the average amount of the deposits made in such institution, in the manner prescribed in the sixtieth section of the "act for levying taxes on all property in this State according to its true value," passed March second, eighteen hundred and forty-six; and the average amount of deposits so returned shall be placed on the duplicate for taxation, as other moneys and credits for State, county and township purposes, and said institution shall be taxed for no other purpose whatever.

SEC. 5. Nothing herein contained shall deprive the General Assembly of the power, at any time hereafter, to change the mode of taxation specified in this act.

SEC. 6. This act to take effect from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 11, 1849.

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#### AN ACT

To amend an act entitled "an act to revive and amend an act entitled 'an act to incorporate the Portsmouth and Columbus Turnpike Company.'"

WHEREAS, by the terms of the act entitled "an act to revive and amend an act entitled 'an act to incorporate the Portsmouth and Columbus Turnpike Company,'" said turnpike company were required to complete and finish said turnpike throughout its whole extent: and whereas, said term of ten years has now expired: and whereas, some eight miles of said road yet remains unfinished; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the corporate powers and franchise of the Portsmouth and Columbus Turnpike Company be and they are hereby revived and declared to be in full virtue and effect, the same as though the time for the completion of said road had not expired; and the time for the completion of said road is hereby extended until the first day of July, one thousand eight hundred and fifty-four.

SEC. 2. So much of an act entitled "an act to revive and amend an act to incorporate the Portsmouth and Columbus Turnpike Company," to which this act is an amendment, as conflicts with the provisions of this act, be and the same are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 11, 1848.

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AN ACT

To incorporate the Toledo and Woodville Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That James Myers, Matthew Johnson, Daniel Segur, Daniel McBain and Edward Haskill, of the county of Lucas; and Amos H. Wood, of the county of Sandusky, and their associates, be and they are hereby created a body corporate under the name of the Toledo and Woodville Plank Road Company, for the purpose of constructing a plank road, and the necessary bridges and culverts, from the east bank of the Maumee river, in the township of Oregon, in the county of Lucas, commencing at a point opposite the city of Toledo, to Woodville, in the county of Sandusky, making the residence of Harvey L. Warriner, in the county of Ottawa, a point in said road; which company shall have all [the] rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the provisions of this act.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each; and said company may enlarge the same, if they see cause, to an amount not exceeding one hundred thousand dollars.

SEC. 3. That if said company shall not be organized within two years after the passage of this act, and shall not, within three years thereafter have at least two-thirds of said road completed, then this act shall be null and void.

SEC. 4. Said company shall have power to construct said road of plank, extending not less than eight feet in width across the centre of the track; said plank to be not less than three inches thick and firmly bedded upon the ground, and also resting upon sleepers imbedded in the ground, so as to be even with the surface of said road bed.

SEC. 5. That if said company shall deem it expedient, in the selection of the route or line of said road, or in the construction of the same, to connect it with or to use any road, street or bridge, made or erected by any company or persons incorporated or authorized by any law of this State, it shall be lawful for said company or persons, and they are hereby authorized,

to contract and agree with any such other corporation or persons for the right to use such road, street or bridge, or for the transfer of any of the corporate or other rights or privileges of such corporation or persons to the said company hereby incorporated; and all such other corporations and persons incorporated by or acting under the laws of this State, are hereby authorized to make such agreement, contract or transfer, by and through the agency of their corporate officers, or by such persons as by any law of this State are entrusted with the direction and management of such road, street or bridge; and every contract or transfer made in pursuance of the authority hereby granted, when executed by the several parties under their respective corporate seals, or if they have no corporate seal, then by the parties entrusted with the direction and management of such road, street or bridge, under their proper hands and seals, shall vest in said plank road company all the rights and privileges vested in said corporation or persons, which shall be specified in the contracts or agreements so to be entered into as aforesaid.

SEC. 6. That whenever it shall be necessary, in the construction of said road, to intersect, use or cross any other road or highway lying in or across the route of said road, it shall be lawful for said company to construct their said road upon, along or across the same; but said company, in so doing, shall make, place and keep such road or highway, thus intersected and used, in such condition as not to impair its former usefulness; and such road or highway, so taken and used by said company, while they shall continue to occupy and use the same, shall be under their exclusive direction, control and management.

SEC. 7. Said company shall have the right to place one half-tollgate upon said road as soon as five successive miles thereof shall have been completed, and to increase the number of said half-tollgates as fast as said road shall be further completed, adding one for every five miles: Provided, however, that no more than three half-tollgates, or one full and one half-tollgate, shall be placed upon said road, said half-tollgates to be five miles apart, and if a full tollgate be placed thereon, to be at least ten miles distant from the half-tollgate. And the directors of said company are hereby authorized and empowered to annually establish and fix upon the rates of toll chargeable at each of said gates: Provided, however, that the rates of toll so by them established shall in no case exceed the rates of toll chargeable by law, for the time being, upon the Maumee and Western Reserve Road.

SEC. 8. The said corporation shall have power to locate and construct branches of said road from the main route to other towns or places in the several counties through which said road may pass, which branches shall, in all respects, be subject to the provisions of this act.

SEC. 9. In case said company, under the provisions of this act, shall acquire or become vested with the rights of ferriage heretofore granted to the commissioners of the Toledo and Woodville Free Turnpike Company, then and in such case it shall be the duty of said company, within six months after the transfer to them of said ferry and the rights of ferriage connected therewith, to provide and furnish good and sufficient boats and conveniences for the safe and speedy transportation of persons and property across said river; and also, within said six months, to commence the running of said ferry. And it shall be the further duty of said company, at

all times thereafter, to keep and provide good and sufficient boats and conveniences for the use of said ferry, and to run the same at all reasonable times, when required so to do; and that said company shall have the power to build and construct suitable slips or wharves for the landing of said ferry, on each side of said river, at the places fixed upon and established by said commissioners for the landing of the same; and said company are also hereby further authorized and empowered to demand and receive, from persons crossing said river, the following tolls, to wit:

For every sled or sleigh, cart and four-wheeled wagon, drawn by two animals, fifteen cents; and each animal in addition thereto, three cents;

For every four-wheeled pleasure carriage, drawn by two horses, twenty-five cents; and for each horse in addition, five cents;

For every one-horse wagon, sled, sleigh or cart, drawn by one horse, five cents;

For each pleasure carriage, drawn by one horse, fifteen cents;

For each horse and rider, five cents;

For each horse, mule or ass, or head of neat cattle, six months old and upwards, three cents;

For every head of sheep, goats or hogs, one cent;

For each foot passenger, three cents.

SEC. 10. After twenty years from the time that said road, or any five miles thereof, shall be completed, the city of Toledo shall have the right to purchase the property, rights and privileges of said company, including said ferry, by paying such sums therefor as, with the dividends made and property undivided, will reimburse the capital invested in said road and ferry, with the net profit thereon of fifteen per cent. per annum from the time of payment by the stockholders thereof, to the time of such purchase.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 11, 1848.

#### AN ACT

To incorporate the Paintersville and Spring Valley Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Moses Walteen, Michael Daugherty, R. D. Poage, William Morris, Reazin Reagon, their associates and successors, are hereby created a body corporate and politic by the name and style of the Paintersville and Spring Valley Turnpike Company, for the purpose of constructing a turnpike road from the town of Paintersville to a point on the Cincinnati, Lebanon and Springfield turnpike, at or north of Spring Valley, in Greene county.

SEC. 2. That said company shall have power to construct a turnpike road between the points named, on the line of any public road, or over any other grounds, and whenever not less than one-third part of the whole line

is completed, erect gates and collect tolls, as provided by law; and said company shall have all the rights and privileges, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except so far as the same may be modified and changed by this act.

SEC. 3. The capital stock of said company may be any sum not more than twenty thousand dollars, divided into shares of twenty-five dollars each.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To authorize the Commissioners of Washington county to establish a certain road therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Washington county be and they are hereby authorized and empowered to establish so much of said road as lies in Washington county, laid out and located in pursuance of an act passed February the first, eighteen hundred and forty-seven, entitled "an act to review and amend an act entitled 'an act to lay out and establish a State road in the counties of Washington, Monroe and Guernsey;'" and said commissioners are authorized to perform all acts and make all orders necessary to establish so much of said road as lies in Washington county; and the same, when so established, shall be deemed and taken to be a State road.

SEC. 2. This act to take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To amend an act entitled "an act to incorporate the town of Ripley, in the county of Brown," passed February 4, 1826.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the town of Ripley, in the county of Brown, shall have full power and authority to enact and ordain all such laws and ordinances as to them shall appear necessary to compel the owners of in-lots



or parts of in-lots, in said town, to pave the streets or sidewalks in front of their respective in-lots or parts of in-lots, in such part or parts of said town, and within such time as said town council shall prescribe; and in case such owner or owners shall neglect or refuse to pave in front of such in-lots or parts of in-lots, within the time so prescribed, after being duly notified, the said town council may secure the same to be done at the expense of the owner or owners, and assess the costs of the same upon such in-lots or parts of in-lots, and cause the same, or so much thereof as may be necessary, to be sold by the marshal of said town, for the amount expended in paving in front of the same; and the said marshal, in making such sale, and as to the publication of notice of the same, and the execution of deeds of conveyance to purchasers of in-lots or parts of in-lots so sold, shall be governed by the provisions of such ordinance or ordinances of said town council authorizing and regulating such sales; and all deeds made by said marshal, pursuant to the provisions of such ordinance or ordinances, for property so sold, shall convey to the purchaser or purchasers good and valid titles in law or equity, and shall be received as prima facie evidence of such title in all courts of justice in this State.

SEC. 2. That when said town council shall require the owner or owners of any in-lots or parts of in-lots to pave in front of the same, the owner or owners of the same, if residents of said town or of the said county of Brown, shall have written personal notice of the same; and as to owners not resident of said town or county, notice may be given by publication, for six consecutive weeks, in some newspaper published in said county; and such notice shall contain a pertinent description of such lot or parts of lots, and a statement of the time within which such improvement is required to be made, which, in the notice by publication, shall be made at least three months after the first publication, and if the notice is personal, at least two months after the service of such notice.

SEC. 3. That said town council shall have the power to improve and regulate the landing places and wharves in said town, and to fix the rates of landing, and lading or unlading steamboats, flatboats, rafts or other water crafts, at said town, and to provide for the collection of the same.

SEC. 4. That said town council shall have the exclusive power of appointing supervisors, and other officers of public highways within said town, and of regulating their duties and settling with them: Provided, that the citizens of said town shall still be required to perform the two days' labor, annually, as now required by the laws of the State, under the direction of the supervisors of said town, which labor shall be performed on the streets or alleys within said town, as said town council may direct.

SEC. 5. That the said town of Ripley shall be entitled to all the privileges and subject to all the restrictions of the act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty-nine, and the acts amendatory thereto.

Sec. 6. That so much of the original act of incorporation of said town, and all acts amendatory thereto, as are inconsistent with the provisions of this act, is hereby repealed.

Sec. 7. This act to take effect from and after its passage.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To amend an act entitled "an act to establish a Free Turnpike Road on the line of the State road from Lower Sandusky to Findlay, in Hancock county," passed February 10, 1845.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all lands and property situated on the west side of the free turnpike road from Lower Sandusky to Findlay, in Hancock county, and within the townships of Ballville and Jackson, shall be exempt from taxation for the purposes of said road; and the residents on such lands shall be exempt from the performance of labor thereon, unless such property or persons are in a road district embracing part of such road.

Sec. 2. That so much of the act entitled "an act to establish a free turnpike road on the line of the State road from Lower Sandusky to Findlay, in Hancock county," passed February ten, eighteen hundred and forty-five, as conflicts with this act, be and the same is hereby repealed.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To authorize the Commissioners of Logan county to relocate a part of a Free Turnpike Road.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Logan county be and they are hereby authorized to relocate, and establish as a free turnpike road, so much of the free turnpike road leading from Bellefontaine to Lima as lies within three miles of Bellefontaine, on such route as they may deem practicable; and they shall have and are hereby invested with power to make all orders, contracts for right of way, and do all other acts necessary to establish the road,

so relocated, as a free turnpike road; and the road so relocated and established shall be deemed and taken to be a part of the free turnpike aforesaid, and shall be subject to the same laws, and be constructed, preserved and repaired in the same manner.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To incorporate the Dresden Bridge Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That George W. Adams, William Crane, Lawrence Bailey, George W. Cass, Samuel Adams, William Johnson, and Henry Wheeler, and their associates, be and they are hereby created a body corporate and politic by the name and style of "The Dresden Bridge Company," and, as such, shall remain and have perpetual succession; and by their corporate name, may contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, defend and be defended, in any court of competent jurisdiction; and may have a common seal, which they may change or alter at pleasure; may make, establish and enforce all such bylaws, rules and regulations, not inconsistent with the laws and constitution of the United States and of this State, as they may deem expedient for the efficient and proper management of the affairs of said company, and may elect such officers as shall be provided for in such bylaws, rules and regulations.

SEC. 2. That said corporation be and they are hereby authorized to erect a toll bridge across the Muskingum river at or near the point where a ferry is now kept at Dresden: Provided, that said company shall own the land on both banks of said river where said bridge shall be erected, or shall obtain in writing from the owner or owners of the land on both sides of the river where the said bridge may be built, their consent to the building of the said bridge, unless said banks or both sides be a public highway.

SEC. 3. That the said company, in the erection of said bridge, shall in no wise injure or obstruct the navigation of said river.

SEC. 4. That if the said company shall erect and complete said bridge in a substantial manner, of a proper width, and being in other respects of sufficient strength and dimensions so as to admit of the safe passage of passengers, teams and carriages of the usual dimensions, within four years from the passage of this act, they shall, from the completing of said bridge, enjoy all the privileges secured by this act.

SEC. 5. That, after completing said bridge as aforesaid, the proprietors thereof are hereby authorized to demand and receive from passengers who may cross said bridge, not to exceed the following rates of toll, to wit:

For each foot passenger, two cents ;

For each horse, mule, ox or ass, four cents ;

For each horse and rider, five cents ;

For each wagon, four wheel carriage, sled, sleigh or cart drawn by one horse, ox, mule or ass, ten cents ; and for each additional horse, ox, mule or ass, four cents ;

Neat cattle, two cents ; and

For each head of hogs or sheep, one cent :

Provided, that all public mails, expresses and passengers, which are exempt or may hereafter be exempt from the payment of ferriages and tolls, and all troops of the United States or of this State, with their artillery, baggage and stores ; all persons going to or returning from public worship on Sunday, and all teachers and all children going to or returning from school ; all funeral processions, and persons going to or returning from elections, and all persons necessarily going to and returning from military trainings, shall be exempt from paying tolls, and shall cross over said bridge free.

SEC. 6. That the capital stock of said company shall not exceed twenty-five thousand dollars, and shall consist of shares not exceeding twenty-five dollars each ; and as soon as ten thousand dollars of said stock shall be subscribed, notice shall be given by publication, in a newspaper published in the county of Muskingum, to the stockholders of said company, to meet at a place on a day named in said notice, not less than two weeks after the first publication thereof, to establish bylaws and organize said company ; and, at all elections of officers, and in all questions decided by a vote of the stockholders, each stockholder shall be entitled to one vote for each share he may hold, not exceeding fifty, and one vote for each five shares he may hold exceeding fifty.

SEC. 7. That the proprietors of said bridge company shall, previous to receiving any toll, set up and keep in a conspicuous place over or near the gate to be erected on said bridge, a board on which shall be printed or painted, in a plain and legible manner, the rate of toll charged on said bridge.

SEC. 8. That if the proprietors of said bridge shall demand and receive any higher and greater tolls than are by this act allowed, they shall be subject to the like fines and penalties which are or may be provided in cases of ferries, and any future legislature may regulate the rates of toll to be taken at said bridge after the expiration of twenty years, and at each successive period of five years.

SEC. 9. That the persons named in the first section of this act, be and they are hereby constituted commissioners to receive subscriptions to the stock of said bridge ; and public notice in the most conspicuous manner shall be given, of at least two weeks, of the time when and place where such subscriptions will be received by said commissioners ; and said notice shall be given at least within sixty days after the passage of this act.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 14, 1848.

## AN ACT

To incorporate the Higginsport and Russelville Turnpike Company.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That Joseph Shinkle, Jesse Dugin, B. F. Holden, William Thompson, Hanson L. Penn, John G. Brose, William Wall, Michael Pindell, and Edward West, of the county of Brown, and their associates and successors be and the same are hereby created a body corporate under the name of the Higginsport and Russelville Turnpike Road Company, for the purpose of constructing a turnpike road, to commence in the town of Higginsport, in the county of Brown; running thence up White Oak creek until it shall intersect the Ohio Turnpike Road at the foot of White Oak hill; thence with said Ohio Turnpike Road, to Georgetown, in said county; and thence until it shall intersect the Ripley and Hillsborough Turnpike Road, at the town of Russelville, in said county; which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the "act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

**SEC. 2.** The capital stock of said company may be fifty thousand dollars, divided into shares of twenty-five dollars each.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 14, 1848.

## AN ACT

To amend the act entitled an act to incorporate the town of Logan, in the county of Hocking, passed March 5, 1837.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the corporate limits of the town of Logan, in the county of Hocking, be and the same is hereby created a road district; and that all the labor required to be performed on roads and highways by law by persons residing within the limits of said corporation, shall be performed on streets, alleys, lanes and highways within the corporate limits of the said town of Logan.

**SEC. 2.** That all laws and parts of laws inconsistent with this act, be and they are hereby repealed.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 14, 1848.

## AN ACT

To repeal a certain act therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to authorize the Springfield and Urbana Turnpike Company to surrender to the trustees of the Springfield and Sandusky Free Turnpike Road Company all their powers and privileges," passed February eight, eighteen hundred and forty-seven, be and the same is hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

## AN ACT

To incorporate the Richland Academic Institute, in Logan county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Rev. G. G. Poage, Lewis B. Wysong, Rev. John B. Johnson, Rev. C. Craven, S. A. Morton, Robert Scott, H. S. Camp, James Gray and William Graham, their associates, successors and assigns, be and they are hereby created a body corporate and politic by the name of the Richland Academic Institute, with perpetual succession, and by that name shall be a body corporate forever; and as such shall have, enjoy and be entitled to all the rights, powers, privileges and franchises, and be subject to all the restrictions (except as herein excepted) of the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty-nine.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

## AN ACT

To provide for laying out and establishing the Sandusky Bay and Woodville Free Turnpike Road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Henry L. Warriner, Adolphus Kramer, George W. Luckey and John Whitney, of the county of Ottawa, be and they are hereby appointed commissioners to lay out and establish a free turnpike road from some point, to

be by them fixed, on Sandusky Bay, opposite to Sandusky City; and thence, by way of Port Clinton and Hartford, to intersect with the Toledo and Woodville Free Turnpike Road at or near the house of H. L. Warriner, in Clay township, Ottawa county.

SEC. 2. That said commissioners aforesaid, and their successors, shall be a corporation by the name of the Sandusky Bay and Woodville Free Turnpike Road; and they shall be governed, in all things, by the provisions of the act to provide for laying out and establishing free turnpike roads, passed March twelfth, eighteen hundred and forty-five, and the acts amendatory thereto.

SEC. 3. That said commissioners be and they are hereby authorized to establish a ferry across Sandusky Bay, and to fix the rate of tolls for such ferry: Provided, that such tolls, after defraying the expenses of such ferry, shall be applied, under the direction of such commissioners, for the improvement of said free turnpike road, for ten years from and after the passage of this act; and they shall have power to contract with any person for keeping up such ferry, and for such appropriation of the proceeds thereof, not inconsistent with the provisions of this act, as they shall deem advisable.

SEC. 4. Any future legislature may fix the rate of tolls on the ferry in this act provided for.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To lay out and establish the Toledo and Port Clinton Free Turnpike Road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That James H. McGruder, Alfred Pearson and Peter Kleinhaus, of Ottawa; and John Consaul, of Lucas county, be and they are hereby appointed commissioners to lay out and establish a free turnpike road from some point on the Maumee river, opposite to Toledo, in the county of Lucas, by the most eligible route through the counties of Lucas and Ottawa, to intersect with the Port Clinton and Fort Findlay State road at some point not to exceed two miles west of the town of Port Clinton.

SEC. 2. The commissioners aforesaid, and their successors, shall be a corporation by the name and style of the Toledo and Port Clinton Free Turnpike Road; and they shall be governed, in all things, by the provisions of the act to provide for laying out and establishing free turnpike roads, passed March twelfth, one thousand eight hundred and forty-five, and the acts amendatory thereto.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

## AN ACT

To extend the corporate limits of the town of Lima, in the county of Allen.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the corporate limits of the town of Lima, in the county of Allen, be and the same are hereby extended so as to include that part of said town known as "Baker's Addition."

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

## AN ACT

To erect the county of Auglaize.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That such parts of the counties of Allen and Mercer as are included within the boundaries hereinafter described, be and the same are hereby erected into a separate and distinct county, which shall be known by the name of Auglaize, to wit: beginning at the northeast corner of Shelby county; thence west on the north line of Shelby county to the southwest corner of section thirty, in township number six, south, of range number five, east; thence south on the township line to the southeast corner of section thirty-six, in township number seven, south, of range number four, east; thence west on the township line to the southeast corner of section thirty-one, in said township; thence south on the section line to the Darke county line; thence westerly on said line to the southwest corner of section seven, in township number eight, south, of range number four, east; thence north on the township line to the northwest corner of section nineteen, in township number four, south, of range number four, east; thence east on the section line to the northeast corner of section twenty-four, in township number four, south, of range number five, east; thence south on the township line to the northeast corner of section thirty-six, in said township; thence east on the section line to the northeast corner of section thirty-six, in township number four, south, of range number six, east; thence south to the southeast corner of said section; thence east on the township line to the northeast corner of section one, in township number five, south, of range number eight, east; thence south on the Hardin county line to the north line of Logan county; thence west on the Logan county line to the northwest corner of said Logan county; thence south on the Logan county line to the place of beginning.

SEC. 2. That townships number two, south, of ranges number seven and eight, east; the south half of townships number two south, of ranges number five and six, east; and sections thirty-one, thirty-two, thirty-three,



thirty-four, thirty-five and thirty-six, in township number one, south, of range number eight, east, in Putnam county; the east half of township number three, south, of range number four, east, in Vanwert county; and the northeast quarter of township number four, south, of range number four east, in Mercer county, be and the same are hereby attached to and made part of the county of Allen.

SEC. 3. That fractional townships number fifteen, ranges number one and two, east; and fractional townships number twelve and thirteen, of ranges number three and four, east, in Darke county, be and the same are hereby attached to and made part of the county of Mercer.

SEC. 4. That the east half of township number one, south, of range number four, east, in Vanwert county, be and the same is hereby attached to and made a part of the county of Putnam: and that the northwest quarter of township number four, south, of range number four, east, in Mercer county, be and the same is hereby attached to and made a part of the county of Vanwert.

SEC. 5. That all suits and prosecutions, civil or criminal, which shall be pending in those portions of Allen and Mercer counties, so set off and erected into the county of Auglaize, previous to the first day of March, one thousand eight hundred and forty-eight, and all like suits and prosecutions, pending within those parts of Darke, Vanwert, Mercer and Putnam counties, hereby attached to the counties of Mercer, Vanwert, Putnam and Allen, previous to the same time, shall be prosecuted to final judgment and execution in the counties from which they are taken, in the same manner as if the said county of Auglaize had not been erected; and the sheriffs, coroners, and constables of the said counties respectively, shall serve all such process as may be necessary to carry into effect such suits, prosecutions, and judgments; and the collectors of taxes for the said counties respectively, shall collect all taxes which shall be levied and unpaid, within the aforesaid portions of their respective counties, before and until the first Monday of March, one thousand eight hundred and forty-eight.

SEC. 6. That all justices of the peace, constables, and other township officers within those parts of the counties of Allen and Mercer, which by this act are erected into the county of Auglaize, and also within those parts of the counties of Darke, Putnam, Mercer and Vanwert, which by this act are attached to the counties of Mercer, Vanwert, Putnam and Allen, shall continue to exercise and discharge the duties of their respective offices, until their time of service shall expire, and their successors are elected and qualified, in the same manner as if this act had not been passed.

SEC. 7. That all writs and other legal process, in the territory hereby erected into the new county of Auglaize, shall be styled of Auglaize county, after the first day of March, one thousand eight hundred and forty eight; and all writs and other legal process, within the territory hereby attached to the counties of Mercer, Allen, Putnam and Vanwert, shall be styled of the county of Mercer, Allen, Putnam and Vanwert, respectively.

SEC. 8. That the said county of Auglaize shall be attached to and form part of the sixteenth judicial circuit.

SEC. 9. That the legal voters residing within the limits of the county of Auglaize, shall, on the first Monday in April, one thousand eight hundred and forty-eight, assemble in their respective townships, at the usual

places of holding elections, and proceed to elect the different county officers, in the manner prescribed in the act to regulate elections, who shall hold their offices until the next annual election and until their successors are chosen and qualified; and at such election the electors of those parts of townships in the county of Auglaize which have not the legal number of square miles for a township shall vote in the township immediately south of such parts, respectively.

SEC. 10. That the county commissioners of each of the counties affected by the passage of this act, shall have power, immediately upon the passage thereof, to attach such townships or parts of townships as shall, by reason of the passage of this act, fall below the legal number of square miles, to any adjacent township in their respective counties, or to organize said parts of townships into separate townships and add any adjacent territory to the same that they may deem expedient.

SEC. 11. That the seat of justice for said county of Auglaize shall be and hereby is permanently established at Wapakonnetta: Provided, the citizens thereof, or any number of them shall, within sixty days after the election of county officers for said county, to be held on the first Monday of April next, enter into bond to the commissioners of said county, with good and sufficient security to be approved by said commissioners, for the payment of five thousand dollars to said commissioners, in such payments as they shall require, to be applied to the erection of public buildings for said county, or the purchase of proper sites therefor, or for both said purposes; and if the said five thousand dollars be not paid in accordance with the conditions of said bond, then this section to be null and void: Provided also, that the right of appeal on behalf of the obligors in the bond from the decision of the board of county commissioners upon the sufficiency of such bond shall exist, to the court of common pleas as in other cases when appeals are allowed to said court from the action of the board of commissioners.

SEC. 12. That the commissioners of the counties of Allen and Putnam shall meet on or before the first Monday of April next, or within sixty days thereafter, and ascertain and determine the amount of the public debt of Putnam county, exclusive of that for the surplus revenue loaned to said county, and the proportion which the value of the taxable lands set off by this act to the county of Allen from the county of Putnam bears to the value of the taxable lands by this act remaining in Putnam county; and hereafter, each year, until the public debt aforesaid shall be paid off and discharged, there shall be paid out of the treasury of Allen county, upon the order of the auditor thereof, to the treasurer of Putnam county, a sum which shall bear the same proportion to the amount raised in that year by Putnam county for the payment of the debt aforesaid, as the value of the taxable lands so set off as aforesaid bears to that of those so as aforesaid remaining in Putnam county; and the same shall be applied to extinguishment of said debt and to no other purpose: and it shall be the duty of the commissioners of Allen county to levy a sufficient tax to raise said sum.

SEC. 13. Should the provisions of the eleventh section of this act be not complied with, it shall be the duty of the county commissioners of Auglaize county to notify the qualified electors of said county, by publication in some newspaper published in said county, and if there be no news-

paper published in said county, then in some newspaper of general circulation in said county, to establish the county seat in the manner prescribed in the following sections.

SEC. 14. The seat of justice within and for said county of Auglaize, shall be fixed and permanently established at the town of Wapakonnetta, or at the town of St. Marys, as the qualified electors of said county prefer; and said electors are authorized to express that preference by indorsing on their tickets at the next annual October election after said noncompliance, the words "seat of justice at Wapakonnetta," or, "seat of justice at St. Marys," as their choice may be: it shall be the duty of the trustees or judges of the election in the several townships of said county, to make return of votes in regard to the seat of justice, within three days thereafter, to the clerk of the court of common pleas of said county, at the town of Wapakonnetta in said county, and on the fourth day after said election, it shall be the duty of said clerk, in the presence of the associate judges or a majority of them, or, in the absence of the associate judges, then in the presence of two justices of the peace of said county, to canvass said votes, in the same manner that by law he is required to canvass votes for State and county officers; and the town receiving a majority of the votes given, shall, thereafter, be the permanent seat of justice for said county of Auglaize.

SEC. 15. It shall be the duty of said clerk to return to the court of common pleas of said county, next to be held after the said election, an abstract of said votes duly certified, that the same may be entered upon the journal of said court.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To amend the act entitled "an act to incorporate the Dayton and Deerfield Railroad Company," passed February 6, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That said company shall hereafter be known by the name of the "Dayton, Springboro', Lebanon and Cincinnati Railroad Company."

SEC. 2. That the capital stock of said company be and is hereby increased to one million dollars.

SEC. 3. That said company shall have power to construct a railroad from Dayton to the city of Cincinnati, on such route as the directors of said road, or a majority of them, may deem best; said directors, as aforesaid, being hereby authorized to diverge from the route already surveyed, at any point that may be deemed most eligible for that purpose: Provided, that

said company shall not locate or construct its road, in the valley of the Little Miami river, at any point below the village of Gainesboro', in Warren county.

SEC. 4. That said company is hereby authorized to construct side branches from their said road, to any point or points within the limits of any county through which said railroad may pass.

SEC. 5. That persons who have subscribed to the capital stock of the Dayton, Lebanon and Deerfield Railroad Company, may be released from the payment of any installments on such stock heretofore subscribed, except the installment heretofore called for, by giving notice to the board of directors within six months after the passage of this act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To amend the act entitled "an act to prevent nuisances in the county of Pike."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the provisions of the act entitled "an act to prevent nuisances in the county of Pike," passed February twenty-one, eighteen hundred and forty-six, be and the same are hereby extended to the township of Norwalk, in the county of Huron.

SEC. 2. That the party making complaint shall also have the right of appealing from the decision of the said justice of the peace to the court of common pleas of said county.

SEC. 3. That upon judgment being had in said court of common pleas against the owner or owners, occupier or occupiers of such distillery, under the provisions of this act, it shall and may be lawful for the said court, in addition to the penalties and forfeitures declared therein, to make an order that the nuisance be abated; and it shall be the duty of the sheriff of said county to carry such order into execution.

SEC. 4. That the magistrate before whom complaint shall be made may, at his discretion, require the person or persons making complaint to give security to the State for costs; and in case of neglect or refusal to comply with such requisition, when so made, it shall be the duty of said magistrate to dismiss said complaint.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

## AN ACT

To incorporate the Campaign Toll Bridge Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Joseph Mauck, Augustus S. Guthrie, Reuben Rothgel, Charles L. Guthrie, John Bing and Alexander Logue, and their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the Campaign Bridge Company; and by that name and style shall have perpetual succession, and may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of competent jurisdiction.

SEC. 2. That the capital stock of said company shall not exceed five thousand dollars, and shall be divided into shares of ten dollars each.

SEC. 3. That the persons named in this act, or any three of them, after giving twenty days' notice thereof, in some newspaper printed in Gallia county, are authorized to open books for subscriptions to the capital stock of said company, at such times and places as they may deem expedient; and when one hundred and fifty shares, or fifteen hundred dollars of the capital stock shall have been subscribed, they may, by public notice, call a meeting of the stockholders, and proceed to elect five directors, who shall choose out of their number one person to be president, and one to be treasurer and secretary of said company; and thereafter, on the first Monday of December, annually, said stockholders shall, in like manner, elect five directors, to serve for one year, and until their successors are elected and qualified; and each board of directors shall choose from their number a president, and a treasurer and secretary, as aforesaid: Provided, that if, from any cause, said election for directors should not take place on the first Monday of December, then the same may be held at any subsequent time, ten days' notice thereof being given in some newspaper printed in said county of Gallia.

SEC. 4. The directors and officers of said company, within ten days after their election or appointment, shall each take an oath of office; and the directors shall have power to fill all vacancies in their own body, and to make bylaws, rules and regulations necessary for the government of said company, not inconsistent with the laws of the United States or of this State. The treasurer of said company shall give bond in such amount as shall be required by the directors.

SEC. 5. At all elections of directors, each stockholder shall be entitled to one vote for each share of stock owned by him; and stockholders may vote by proxy, duly appointed by writing.

SEC. 6. That said company shall have power to erect a toll bridge over Campaign creek, in the county of Gallia, where the State road from Gallipolis to Pomeroy crosses the same, near the mouth thereof; and said bridge shall be built in a substantial manner, and of sufficient dimensions for the accommodation of all travel and transportation upon said road, and such a height as to be above all ordinary floods of water.

SEC. 7. That, after the completion of said bridge, said company are hereby authorized to demand and receive, from passengers who may cross said bridge, the following tolls, to wit:

For every horse with rider, three cents;

For every horse, mule, or ass, led or driven, two cents ;

For every wheeled carriage or vehicle, sled or sleigh, drawn by one horse or other animal, five cents ; for the like, drawn by two horses or other animals, ten cents ; for each additional animal, two cents ;

For every score of neat cattle, fifteen cents ;

For every score of sheep or hogs, ten cents ;

SEC. 8. That the commissioners of Gallia county shall have, at any time, the right to purchase said bridge, by paying said company ten per cent. advance on the cost thereof ; in which case, said bridge shall forever after be a free bridge.

SEC. 9. That the General Assembly of this State shall have power, after ten years from the building of said bridge, and thereafter at intervals of not less than five years, to alter their rates of tolls for crossing said bridge, if the same should be deemed too high.

SEC. 10. That unless said bridge shall be commenced within eighteen months, and completed within three years from the passage of this act, all the powers hereby granted shall be forfeited.

SEC. 11. That all funeral processions, all persons going to and returning from their usual places of holding religious meetings, all persons going to and returning from their usual places of holding elections, and all troops belonging to the United States, with their baggage, shall pass said bridge free from toll.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To authorize the sale of a part of School Section Sixteen, in Newton township, Muskingum county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That that part of school section sixteen, township fifteen, range fourteen, in Newton township, Muskingum county, and containing three hundred and fifteen acres, more or less, not heretofore conveyed, be and the same is hereby authorized to be sold : Provided, that it shall not sell for less than the appraised value thereof ; and such sale shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three, and in accordance with an act to fix the minimum price of the sale of school lands, passed March fourth, one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

## AN ACT

To incorporate the Felicity Female Seminary, in Clermont county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Robert Chalfant, William Fee, Arthur Fee, David Hause, Mark Carley, J. C. Kennedy, J. S. Fallin, Joseph Framlus, T. W. Stevens, J. Parrish, F. A. Edwards, John Van Briggie, M. Richards, Simeon Goodwin and William Heyden, together with those who may become associated with them for the purpose of establishing a female seminary in the town of Felicity, in the county of Clermont, be and they are hereby created a body politic and corporate by the name and style of the Felicity Female Seminary; by which name they shall have perpetual succession, and power to contract and be contracted with, sue and be sued, to answer and be answered unto in all courts of law and equity; and to acquire, possess, and enjoy, sell, convey and dispose of property, real and personal; and shall possess all powers and privileges usually incident to similar corporations: Provided, that its funds, privileges and immunities, shall be appropriated exclusively to the purposes of education.

SEC. 2. That the corporate concerns of said seminary shall be managed by a board of trustees, consisting of three members, one of whom shall be elected president of the board. They shall be elected by the stockholders, and shall hold their offices for one year, and until their successors are elected and qualified. David Hause, Arthur Fee and J. C. Kennedy, are hereby appointed trustees, and empowered to act as such until an election shall be held under this charter. The election of trustees shall be by ballot, each stockholder being entitled to one vote, either in person or by proxy, for each share by him or her owned. The three trustees shall be judges, and manage all elections of the corporation. Said trustees shall have power to fill vacancies in their own body by appointment; and the person or persons thus appointed, shall continue in office until their successors are elected.

SEC. 3. That on the last Saturday of July, one thousand eight hundred and forty-eight, between the hours of one and four o'clock, P. M., there shall be elected three trustees, in the room of the three appointed in the second section of this act; and on the same day, and between the same hours, on each and every year thereafter, an election for said trustees shall be held; and if no election shall be made on the day specified in this section, such election may be held on any other day: Provided, that notice of the time and place of holding such election, signed by the trustees, be posted up in three public places in said town, ten days previous to said election.

SEC. 4. That the capital stock of said corporation shall consist of shares of twenty-five dollars each, to be subscribed for in the manner the trustees shall prescribe, to be paid in such installments as their bylaws may direct, and shall be transferable on the books of said corporation, in such manner as may be prescribed by the board of trustees: Provided, that said stock shall not exceed ten thousand dollars.

SEC. 5. That the board of trustees shall have power to appoint subordinate officers and agents, and establish and enforce all such ordinances, rules, regulations and bylaws, as a majority of stockholders shall, from time to time, deem necessary and expedient for the good government and supervision of said seminary, its officers and agents, teachers and pupils, and for

the management of the property, erection and plan of the buildings, and all affairs of said corporation, to the best advantage: Provided, they shall not contravene the constitution and laws of the United States and of this State.

SEC. 6. That all acts done by said persons named in the first section of this act, in the purchase of ground, erection of buildings, and the titles made for property already acquired by said persons, are hereby confirmed; and the same shall enure to the benefit of said seminary, in like manner as if they had been done in pursuance of this act: Provided, that nothing so done shall be in contravention of the power conferred by this act.

SEC. 7. That instruction and the means of education, in any department of said seminary, shall never be confined or restricted to pupils of any separate sect or denomination in religion, but alike free and open to all pupils of good moral character.

SEC. 8. That all deeds, leases or contracts, made by the said trustees in pursuance of the direction or consent of a majority of the stockholders, shall be obligatory, and shall be signed and sealed, and acknowledged by the president in his official capacity, and be attested by the recording secretary, in a record thereof, kept in the books of the corporation.

SEC. 9. That the said trustees shall have power to receive all donations and bequests, and apply the same in conformity to the conditions or designs of the donor, and shall have power to make and use a corporate seal, and to alter and amend the same at their pleasure; and also that the principal teacher shall have power, by and with the advice and consent of said trustees, to confer, under the corporate seal, degrees and testimonials of attainment, in each and every branch of learning which may be taught in said institution.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

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#### AN ACT

For the relief of Thomas Trimble.

WHEREAS, the wife of Thomas Trimble, of the county of Belmont, is now and has been a long time an inmate of the Lunatic Asylum; and the said Thomas Trimble, having a family of children, and being of limited means, is unable to pay more than the sum of fifty dollars per annum for her support; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the said Thomas Trimble shall be required to annually pay the sum of fifty dollars for the support of his said wife, as long as she shall remain



an inmate of the Lunatic Asylum; and that the balance of money necessary for her support in said Asylum shall be paid out of the treasury of State, under the same regulations as are now provided by law for State patients.

SEC. 2. This act to take effect from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To authorize the sale of the unsold part of School Section Sixteen, in Manchester township, Morgan county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the unsold part of school section sixteen, in Manchester township, Morgan county, be and the same is hereby authorized to be sold: Provided, that no part thereof shall sell for less than the appraised value thereof; and such sale shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, eighteen hundred and forty-three, and of the "act to fix the minimum price of the sale of school lands," passed March fourth, eighteen hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To authorize the Gallia, Jackson and Chillicothe Turnpike Company to erect a tollbridge across Raccoon creek.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Gallia, Jackson and Chillicothe Turnpike Company, be and they are hereby authorized and empowered to erect a tollbridge over Raccoon creek, where said turnpike is located, crosses said creek, and until tollgates shall be erected on that part of said turnpike including said bridge, to charge and receive tolls for crossing said bridge, as follows, to wit:

For every horse with a rider, five cents;

For every horse, mule or ass, led or driven, three cents;

For every wheeled carriage or vehicle, sled or sleigh, drawn by one horse or other animal, ten cents; for the like, drawn by two horses or other animals, fifteen cents; for each additional animal, two cents;

For every score of neat cattle; twenty cents;

For every score of sheep or hogs, ten cents.

SEC. 2. That so soon as tollgates shall be erected, and tolls received by said turnpike company on that part of said turnpike which includes said bridge, the power of said company to charge and receive tolls for crossing said bridge shall cease to exist, so long as tolls shall be collected on said portion of said turnpike road.

SEC. 3. That the commissioners of Gallia county are hereby authorized to sell to said turnpike company abutments erected by said county where the road from Gallipolis to Chillicothe crosses Raccoon creek, together with all the materials of the old bridge heretofore erected by said county at that point.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

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#### AN ACT

To incorporate the Xenia Water Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John W. Merrick, John B. Allen, Cornelius Wilkin, Samuel Paterbaugh, Thornton Marshall, David Medsker, their associates and successors, be and are hereby created a body corporate and politic by the name and style of the Xenia Water Company; and by that name shall have power to sue and be sued, contract and be contracted with, plead and be impleaded, in all courts or elsewhere, as fully as private persons.

SEC. 2. Said company may have a capital stock of ten thousand dollars, divided into shares of twenty dollars each, for the purpose of constructing reservoirs, and conveying water to and from the same, or in such manner as may be found most expedient for supplying the town of Xenia, in Greene county, and its inhabitants, with water, on such terms as said company and said town, or its inhabitants, may agree upon.

SEC. 3. Said town of Xenia may become the owner of all reservoirs, fixtures and property of said company, at any time after the expiration of ten years from the time such company is in complete operation, by paying to said company the actual cost of the same, and ten per cent. advance thereon.

SEC. 4. The persons named in this act may open books for subscription to the capital stock of said company; and whenever ten per centum of the amount is subscribed, order an election, in such manner and at such time as they may think proper, for the purpose of choosing five directors, who

shall appoint one of their number president ; and the directors, so appointed, shall have power to make all such bylaws and regulations, for the management of the affairs of said company, as they may think proper, and shall continue in office until their successors are elected, as provided by the by-laws of the company.

SEC. 5. Said corporation may hold such real and personal property as may be necessary to carry into effect the objects of the incorporation.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To amend the "act to provide for the revaluation and sale of a certain tract of School Land in Stark county," passed February 8, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the act to which this is an amendment as requires the appraisers, contemplated in said act, to make a statement of the east half and west half, separately, of the quarter section of land therein described, be and the same is hereby repealed ; and it shall be lawful for the appraisers to appraise the aforesaid quarter section of land entire and without dividing the same.

SEC. 2. This act to take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

For the relief of school district number one, in Circleville township, Pickaway county, and school district number four, in Clearcreek township, Ashland county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of Pickaway county be and he is hereby authorized and required to apportion to school district number one, in Circleville township, in said county, out of the proper school funds subject to distribution in said county, in addition to the sum such district may be entitled to at the time of making the next regular distribution, such sum of money as said district would have been entitled to for the year one thousand eight hundred and forty-six, if a return of the number of youth in said district, for said year, had been properly made ; and in making the apportionment hereby author-

ized, the auditor of said county shall take, as a basis for such apportionment, the return made by such district for the year one thousand eight hundred and forty-five.

SEC. 2. That the auditor of Ashland county be and he is hereby authorized and required to apportion to school district number four, in Clearcreek township, in said county, out of the proper school funds subject to distribution in said county, in addition to the sum such district may be entitled to at the time of making the next regular distribution, such sum of money as said district would have been entitled to for the year one thousand eight hundred and forty-six, if a return of the number of youth in said district, for said year, had been properly made; and in making the apportionment hereby authorized, the auditor of said county shall take, as a basis for such apportionment, the return made by such district for the year one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

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AN ACT

To amend the act to incorporate the Columbus and Xenia Railroad Company, passed March 12, 1844, and the acts amendatory thereto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the capital stock of the Columbus and Xenia Railroad Company be and the same hereby is extended to fifteen hundred thousand dollars, the additional stock to be subscribed and paid at such times, and on such terms, and in such manner as the board of directors shall direct; but no increase shall be made, unless assented to or ordered by the holders of a majority of the capital stock of such company.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

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AN ACT

To authorize the sale of section sixteen, township seven, range six, in Shelby county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section number sixteen, in township seven, of range six, in the county of Shelby, be and the same is hereby authorized to be sold: Provided, that no part thereof shall sell for less than the appraised value thereof; and such sale shall, in all respects, be governed by the provisions

of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, eighteen hundred and forty-three, and in accordance with the act to fix the minimum price of school lands, passed fourth March, eighteen hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

AN ACT

To authorize the sale of school section number fifteen, in township number three, of range four, in German township, Montgomery county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section number fifteen, in township number three, of range four, in German township, Montgomery county, be and the same is hereby authorized to be sold: Provided, that no part thereof shall sell for less than the appraised value thereof; and such sale shall, in all respects, be governed by the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereon," passed February second, eighteen hundred and forty-three, and of the "act to fix the minimum price of the sale of school lands," passed March fourth, eighteen hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

AN ACT

To incorporate certain Tollbridge Companies, in the county of Gallia.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio.* That Trumal Cutlarie, James Riggs, Samuel Coie, James Mack, William Cabbage, James Gatewood, Grasson Davis, James H. Guthrie, Henry Harman, and Melvil Lowrie, and their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the Raccoon Island Tollbridge Company, and by that name and style shall have perpetual succession; and may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of competent jurisdiction.

SEC. 2. That Nicholas Thevenin, Giles Harrington, Jacob Loucks, Eri Harrington, Hugh Plymel, Jackson Smith, and Jefferson Porter, and their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the Bullskin Tollbridge Company; and by that name and style shall have perpetual succession; and may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of competent jurisdiction.

SEC. 3. That Alexander Williams, John S. Northup, George Coverston, John Roadamour, John B. Questel, James McCall, William Corter, Henry James, and Aldes Harrington, and their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the Claylick Tollbridge Company, and by that name and style shall have perpetual succession; and may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of competent jurisdiction.

SEC. 4. That Henry R. Wilson, Robert Carter, Isaac Carter, John McDaniel, Benjamin McDaniel, Joseph Waddell, Samuel Womeldorf, Henry J. Beardsley, and John L. Koots, and their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the Gallipolis and Patriot Tollbridge Company, and by that name and style shall have perpetual succession; and may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of competent jurisdiction.

SEC. 5. That Aholiab Bentley, Joseph W. Ross, James Lewis, Normend McLeod, Noah Wood, James Hanson, John Norman, John Smith, Rufus Beeman, Daniel Waddell, and John Donnally, and their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the Gallipolis and Portsmouth Tollbridge Company, and by that name and style shall have perpetual succession; and may contract and be contracted with, sue and be sued, plead and be impleaded in any court of competent jurisdiction.

SEC. 6. That Moses McCarthy, Richard Allen, David Jenkins, Thomas G. Bigelow, Charles C. Wood, George Eagle, Abraham Koonts, and Jacob Road, and their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the Harrisburgh Tollbridge Company, and by that name and style shall have perpetual succession; and may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of competent jurisdiction.

SEC. 7. That Joseph S. Coombs, David Glasburn, Frederick Hanger, Thomas Lewis, John A. Fisher, Abel Jacobs junior, and William H. Eagle, and their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the Coombs Mills Tollbridge Company, and by that name and style shall have perpetual succession, and may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of competent jurisdiction.

SEC. 8. That William McCarley, George Ewing, Joshua E. Collins, William G. McCarley, Hugh P. Holmes, and Jonathan Ewing, and their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the Ewington Tollbridge Company, and by that name and style shall have perpetual succession; and may con-

tract and be contracted with, sue and be sued, plead and be impleaded, in any court of competent jurisdiction.

SEC. 9. That the capital stock of each of said companies shall not exceed ten thousand dollars, and shall be divided into shares of ten dollars each.

SEC. 10. That the persons named as incorporators of the several companies incorporated in this act, or any three of them, after giving twenty days' notice thereof, in some newspaper printed in Gallia county, are authorized to open books in their respective companies, for subscriptions to the capital stock of said company, at such times and places as they may deem expedient; and when fifty shares or five hundred dollars of the capital stock of any of said companies shall have been subscribed, they may, by public notice, call a meeting of the stockholders of such company, and proceed to elect five directors, who shall choose, out of their number, one person to be president, and one to be treasurer and secretary of said company; and, thereafter, on the first Monday of February, annually, said stockholders shall, in like manner, elect five directors to serve for one year, and until their successors are elected and qualified; and each board of directors, shall choose, from their number, a president, and a treasurer and secretary, as aforesaid: Provided, that if, from any cause, said election for directors should not take place on the first Monday in February, then the same may be held at any subsequent time, ten days' notice thereof being given, in some newspaper printed in said county of Gallia.

SEC. 11. The directors and officers of any company, within ten days after their election or appointment, shall each take an oath of office, and the directors shall have power to fill all vacancies in their own body, and to make bylaws, rules and regulations necessary for the government of said company, not inconsistent with the laws of this State; the treasurer of any such company shall give bond to the company, in such an amount as shall be required by the directors.

SEC. 12. At all elections of directors, each stockholder shall be entitled to one vote for each share of stock owned by him, and stockholders may vote by proxy, duly appointed by writing.

SEC. 13. That the company named in the first section of this act, shall have power to erect a tollbridge over Raccoon creek, in the county of Gallia, at or near the mouth thereof; that the company named in the second section of this act, shall have power to erect a tollbridge over said Raccoon creek, in said county of Gallia, where the State road from Gallipolis to Burlington crosses said creek, near the mouth of Bullskin creek: that the company named in the third section of this act, shall have power to erect a tollbridge over said Raccoon creek, in said county of Gallia, at or near the mills owned by Alexander Williams, in Green township: that the company named in the fourth section of this act, shall have power to erect a tollbridge over said Raccoon creek, in said county of Gallia, where the State road from Gallipolis to Patriot crosses said creek: that the company named in the fifth section of this act, shall have power to erect a tollbridge over said Raccoon creek, in said county of Gallia, where the State road from Gallipolis to Portsmouth, near the farm of Joseph W. Ross, in Perry township, crosses said creek: that the company named in the sixth section of this act, shall have power to erect a tollbridge over said Raccoon creek,

in said county of Gallia, at or near Harrisburgh, in Raccoon township, in said county of Gallia: that the company named in the seventh section of this act, shall have power to erect a tollbridge over said Raccoon creek, in said county of Gallia, at or near the mills owned by Joseph S. Coombs, in Raccoon creek: that the company named in the eighth section of this act, shall have power to erect a tollbridge over said Raccoon creek, in said county of Gallia, where the State road from Hanging Rock to Wilkesville, crosses said creek, near Ewington, in Huntington township; and said bridges shall be built in a substantial manner, and of sufficient dimensions for the accommodation of all travel and transportation upon said road, and such a height as to be above all ordinary floods of water.

SEC. 14. That after the completion of any of said bridges, such company is hereby authorized to demand and receive from passengers who may cross said bridge, the following tolls, to wit:

For every horse with a rider, five cents;

For every horse, mule or ass, led or driven, three cents;

For every wheeled carriage or vehicle, sled or sleigh, drawn by one horse or other animal, ten cents; for the like drawn by two horses or other animals, fifteen cents; for each additional animal, two cents;

For every score of neat cattle, twenty cents;

For every score of sheep or hogs, ten cents.

SEC. 15. That the commissioners of Gallia county shall have, at any time, the right to purchase any or all of said bridges, by paying said company ten per cent. advance on the cost thereof; in which case, said bridges shall forever after be free bridges.

SEC. 16. That the General Assembly of this State shall have power, after ten years from the building of any of said bridges, and thereafter, at intervals of five years, to alter the rates of tolls for crossing any of said bridges, if the same should be deemed too high.

SEC. 17. That all funeral processions, all persons going to and returning from their usual places of holding religious meetings; all persons going to and returning from their usual places of holding elections; and all troops belonging to the United States, with their baggage, shall pass said bridge or bridges free from toll.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 14, 1848.

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#### AN ACT

To authorize the sale of Section Sixteen, in Washington township, Defiance county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section sixteen, in Washington township, Defiance county, be and the same is hereby authorized to be sold: Provided, that no part thereof shall be sold for less than the appraised value thereof, and that such sale



shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three, and of the act entitled "an act to fix the minimum price of the sale of school lands," passed March four, one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To provide for the surrender of leases of Virginia Military School Lands in Ashland county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the lessees of the southwest quarter section twelve, township twenty-one, range sixteen; the southeast quarter section fourteen, township twenty-four, range seventeen; and the northwest quarter section fifteen, township twenty-four, range seventeen, of the Virginia military school lands in Ashland county, be and they are hereby authorized to surrender their leases to the register at Mansfield, and pay to said register the amount of the appraisal of said lands; which surrender and payment shall be certified by the register to the governor, who shall give deeds for said lands to said lessees: Provided, that the proceedings relative to said lands shall be in accordance with an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three.

SEC. 2. This act to take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To amend the "act to authorize the County Commissioners of Hancock county to subscribe to the stock of the Lake Erie and Mad River Railroad."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Hancock be and they are hereby authorized to issue bonds, of a denomination not less than one hundred dollars, to the amount of not more than ten thousand dollars, to con-

in said county of Gallia, at or near Harrisburgh, in Raccoon township, in said county of Gallia: that the company named in the seventh section of this act, shall have power to erect a tollbridge over said Raccoon creek, in said county of Gallia, at or near the mills owned by Joseph S. Coombs, in Raccoon creek: that the company named in the eighth section of this act, shall have power to erect a tollbridge over said Raccoon creek, in said county of Gallia, where the State road from Hanging Rock to Wilkesville, crosses said creek, near Ewington, in Huntington township; and said bridges shall be built in a substantial manner, and of sufficient dimensions for the accommodation of all travel and transportation upon said road, and such a height as to be above all ordinary floods of water.

SEC. 14. That after the completion of any of said bridges, such company is hereby authorized to demand and receive from passengers who may cross said bridge, the following tolls, to wit:

For every horse with a rider, five cents;

For every horse, mule or ass, led or driven, three cents;

For every wheeled carriage or vehicle, sled or sleigh, drawn by one horse or other animal, ten cents; for the like drawn by two horses or other animals, fifteen cents; for each additional animal, two cents;

For every score of neat cattle, twenty cents;

For every score of sheep or hogs, ten cents.

SEC. 15. That the commissioners of Gallia county shall have, at any time, the right to purchase any or all of said bridges, by paying said company ten per cent. advance on the cost thereof; in which case, said bridges shall forever after be free bridges.

SEC. 16. That the General Assembly of this State shall have power, after ten years from the building of any of said bridges, and thereafter, at intervals of five years, to alter the rates of tolls for crossing any of said bridges, if the same should be deemed too high.

SEC. 17. That all funeral processions, all persons going to and returning from their usual places of holding religious meetings; all persons going to and returning from their usual places of holding elections; and all troops belonging to the United States, with their baggage, shall pass said bridge or bridges free from toll.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To authorize the sale of Section Sixteen, in Washington township, Defiance county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section sixteen, in Washington township, Defiance county, be and the same is hereby authorized to be sold: Provided, that no part thereof shall be sold for less than the appraised value thereof, and that such sale

shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three, and of the act entitled "an act to fix the minimum price of the sale of school lands," passed March four, one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To provide for the surrender of leases of Virginia Military School Lands in Ashland county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the lessees of the southwest quarter section twelve, township twenty-one, range sixteen; the southeast quarter section fourteen, township twenty-four, range seventeen; and the northwest quarter section fifteen, township twenty-four, range seventeen, of the Virginia military school lands in Ashland county, be and they are hereby authorized to surrender their leases to the register at Mansfield, and pay to said register the amount of the appraisal of said lands; which surrender and payment shall be certified by the register to the governor, who shall give deeds for said lands to said lessees: Provided, that the proceedings relative to said lands shall be in accordance with an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three.

SEC. 2. This act to take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

#### AN ACT

To amend the "act to authorize the County Commissioners of Hancock county to subscribe to the stock of the Lake Erie and Mad River Railroad."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Hancock be and they are hereby authorized to issue bonds, of a denomination not less than one hundred dollars, to the amount of not more than ten thousand dollars, to con-

tractors upon the Mad River and Lake Erie Railroad, or in redemption of outstanding bonds of said county of Hancock, for the construction of said road.

SEC. 2. That so much of the act passed February nineteenth, one thousand eight hundred and forty-five, authorizing the county commissioners of Hancock county to subscribe stock to the Mad River and Lake Erie Railroad, as is inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

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#### AN ACT

Relating to the special road district of Millcreek township, Hamilton county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the special road district of Millcreek township, Hamilton county, be and they are hereby authorized to take the necessary and proper steps to ascertain, at the election to be held on the third Monday of April next, the wishes of the legal voters of said district whether they are in favor of the said special road district being erected into a city by a separate city charter, or of its being annexed and made a part and parcel of the city of Cincinnati: Provided, that public notice shall be given to the voters of such district of the vote to be taken, by publication in some German and English newspapers of general circulation in said district, and by handbills in both the languages aforesaid, to be posted up in at least twenty public places in said district, and, on the day of election, at the place of holding said election.

SEC. 2. If a majority of all the votes cast at such election shall be in favor of a separate city charter, then a full return of such vote shall be transmitted to the secretary of state, and by that officer, at the commencement of the next session, to the General Assembly.

SEC. 3. That if a majority of all the votes cast at such election shall be in favor of annexing said special road district to the city of Cincinnati, then the commissioners of said district, in conjunction with John Burgoyne, Benjamin T. Dale and Michael Goepper, be and they are hereby authorized to enter into all and every arrangement with the city council of Cincinnati, for the annexation of such district to the city of Cincinnati.

SEC. 4. The city council of the city of Cincinnati be and the same is hereby also authorized to enter into all and every arrangement proper to carry out the objects of this act with the said commissioners; and whenever such arrangements between the said authorities are fully perfected in

pursuance to this act, then the territory comprised within said special road district be and the same is hereby declared to be a part and parcel of the city of Cincinnati; and the said city council shall divide or erect the territory comprised in such district, into one or more wards, subject to all the rights, laws and ordinances to which any of the original wards of the said city of Cincinnati are subject and entitled to: Provided, that the said city council may, if they deem proper to do so, hold a special election to ascertain the will of the people of Cincinnati, with reference to such annexation.

SEC. 5. All rights which have accrued, or suits now pending in consequence of the acts regulating such special road district, shall not be affected by this act; nor shall anything in this act be ever construed to affect any of the legal acts of the commissioners or any other officers of said special road district, with reference to the streets, lanes or alleys in said district, nor the rights of the people residing in said district to their share of school money in Millcreek township, from the sale of the school section.

SEC. 6. The territory comprised within the limits of said special road district shall, from and after the time such district is annexed to the city of Cincinnati, be and the same is hereby declared to be a part and parcel of the township of Cincinnati.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

#### AN ACT

To provide for the sale of certain lands therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works be and they are hereby authorized to sell such lands, or compromise the claim of the lands belonging to the Ohio Railroad Company, that now is or may hereafter come into the possession of the State, or which may be discovered in the prosecution of the duties enjoined upon said board under the joint resolution of the General Assembly, "providing for the sale of the personal property, fixtures, right of way, &c., of the Ohio Railroad Company, and for other purposes," passed twelfth of March, eighteen hundred and forty-five: Provided, that such lands may not be attached to the right of way of said railroad company: and provided, further, that such sale shall be made in the way pointed out in said joint resolution of March twelfth, eighteen hundred and forty-five, for the sale of the personal property and right of way of said company, and shall not be sold for less than two-thirds of such appraised value of such lands.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To vacate part of the State road leading from Coshocton to Mount Vernon.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the State road, known as the river road, leading from Coshocton, in Coshocton county, to Mount Vernon, in Knox county, as is situated between the mouth of Mohican river and the first narrows on Owl creek, west of the mouth of said Mohican river, is hereby vacated: Provided, that the petitioners for the road adopted in place of the road hereby vacated, shall make said road as good, in all respects, as the one hereby vacated, before closing the same.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To incorporate the Chillicothe German Fire Company, in Ross county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Luderick List, Albert Bellison, Moses Gramon, C. Ferdinand Schmidt, Henerick Bower, George Brand, Ferdinand Bader, Adam Gartner, George Gouber, and their associates, be and they are hereby created a body corporate and politic by the name of the Chillicothe German Fire Company, in Ross county, Ohio; and as such shall be capable, in law and equity, of suing and being sued, of pleading and being impleaded, in any action or suit, in any court of law or equity having competent jurisdiction, with power to hold and convey property, real or personal, to any amount not exceeding five thousand dollars; they shall be competent to contract and be contracted with, to form such constitution and bylaws, not inconsistent with the constitution and laws of the United States and of this State, as they may deem necessary and proper to preserve the good order of the company, and to render it effective for the purpose of preventing the destruction of property or life by fire; to assess and collect fines from any member, for a violation of their constitution or bylaws.

SEC. 2. Said company may designate any number of officers to control the same as they may deem proper, who shall be elected by said company, by ballot, on the first Monday of March, annually, and shall hold their offices until their successors are elected and qualified according to the provision of the constitution and bylaws of said company: Provided, that a failure to elect on the day herein above appointed shall not work a forfeiture of their charter; but, in such case, said company shall be authorized to appoint a subsequent day for such election, and the election had upon such subsequent day shall be as valid as if made upon the first appointed day.

SEC. 3. That said company shall have power to use and have a common seal, which they may break, alter, or amend at pleasure.

SEC. 4. Said company shall be entitled to all the privileges and exemptions specified in an act entitled "an act to encourage the organization of fire companies, and to repeal former acts," passed February eighth, one thousand eight hundred and forty-seven.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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AN ACT

To incorporate the Cleveland Library Association.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That William D. Beattie, Charles Bradburn, John B. Warring, James M. Hoyt and Albert G. Lawrence, and their associates and successors, be and they are hereby created a body corporate and politic, with succession for thirty years, by the name and style of the Cleveland Library Association; and by that name may sue and be sued, plead and be impleaded in all courts of law and equity, and may have a common seal, and alter the same at pleasure.

SEC. 2. That said corporation may hold all kinds of estate, whether real or personal, or mixed, which they may acquire by purchase or donation, and to sell and convey the same at their discretion; may form a constitution and enact bylaws for their government and appointment of officers, and make all necessary rules and regulations for the management of their fiscal concerns: Provided, said constitution, bylaws, rules and regulations, shall not be inconsistent with the constitution of the United States and of this State; and that the capital stock of said corporation shall not exceed twenty thousand dollars, nor be used for any other purpose than to carry out the objects of said library association.

SEC. 3. That no officer, stockholder, or other person, shall have power to contract any debt or liability against said corporation; that all appropriations of money shall be made by the stockholders, at their regular stated meetings: the sum total of such appropriations shall not exceed the amount of money unappropriated in the hands of the treasurer.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To authorize the Directors of School District No. 3, in Moorefield township, Harrison county, to sell a certain school lot, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the directors of school district number three, in Moorefield township, Harrison county, be and they are hereby authorized to sell, at public or private sale, for cash or upon reasonable credits, the school house lot now owned by said district, and make to the purchaser a good and sufficient deed for the same: Provided, the proceeds of such sale shall be applied to the purchase of a more suitable school lot for said district, and, if any surplus shall remain, to the erection of a school house thereon, and to no other purpose whatever.

SEC. 2. That Samuel P. Frazey, John R. Tomlinson, and David B. Ellis, of the county of Muskingum, be and they are hereby appointed trustees with power to sell, as hereinafter provided, the following described lot, situate in the town of Fazeysburg, in said county of Muskingum, bounded on the north by an alley, on the east by State street, on the south by First street, and on the west by lot number thirty-two; containing fifty square rods, and known and distinguished as "Basin Lot," in said town of Fazeysburg.

SEC. 3. That said trustees are hereby authorized, on giving thirty days' notice in some newspaper published in said county of Muskingum, to sell the said lot; and it is further provided, that the said trustees shall apply the proceeds of the sale of said lot to the grading and improving the streets and highways of said town of Fazeysburg.

SEC. 4. This act shall be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

For the better regulation and support of Schools in the city of Cleveland, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the city council of the city of Cleveland to provide and support such number of primary and grammar schools, in each school district in said city, as may be necessary to furnish a good common school education to all children resident therein between the ages of six and twenty-one years, who may be entitled, under the general laws of the State, to admission to the common schools thereof.



SEC. 2. That the board of managers of common schools of said city shall hereafter consist of five persons, not more than two of whom shall reside in the same ward, who shall be appointed by the city council, on or before the first Wednesday in April of each year, and hold their offices for the term of one year and until their successors are appointed and qualified; that said board of managers shall be restricted, in the liabilities contracted by them for fuel and instruction, to the amount of money provided under the general laws of the State and the ordinances of the city council, for school purposes; that said board shall be required to establish a uniform system of rules for the government of all the schools of said city, and for the good conduct of the pupils therein.

SEC. 3. That it shall be lawful for said city council to establish in said city a central high school, and support the same at the expense of the city; and may, at their discretion, levy such a special tax on the taxable property of said city as may be necessary to purchase a suitable lot, and erect thereon a building suitable for that purpose; in which high school instruction may be given in the various branches of an English education usually taught in high schools; to which pupils, residents of the city, shall be admitted under such rules of admission and dismissal as said board of managers, with the advice and consent of the city council, may prescribe.

SEC. 4. That for the purpose of establishing, supporting and maintaining said high school, the city of Cleveland shall hereafter constitute but one school district; but for all other purposes not inconsistent with the provisions of this act the district system now in force shall be preserved.

SEC. 5. That if any person shall mar, deface, or injure any school house, out buildings, fence, furniture, or other property belonging to or in the possession of either of the schools of said city, or of any scholar attending the same, every person so offending shall forfeit and pay, for each offence, a sum not less than five nor more than twenty-five dollars, to be recovered in an action of debt before the mayor of said city; and for all injury done to any building or property, aforesaid, by any scholar or minor, the parent or guardian of any such minor or scholar shall be liable to pay treble the amount of damages occasioned thereby; to be recovered in an action of debt before said mayor, at the instance of the acting school manager and in the name of said city.

SEC. 6. That so much of all acts and parts of acts as are inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 7. That the provisions of the fifth section of this act be and the same are hereby extended to the town of Medina, Medina county; and all prosecutions under this act, in said town, shall be before the mayor of said town, and at the instance of the school directors of said town.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To incorporate the Chagrin Falls and Cleveland Plank Road Company, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Noah Graves, Alanson Knox, R. Beebe, C. T. Blakeslee, T. M. Bayard, Henry Abell, Race Jackson, and Daniel Warren, of Cuyahoga county, and all other persons who may become associated together by subscribing to the capital stock of the company hereby incorporated, be and they are hereby declared a body corporate and politic by the name and style of the Chagrin Falls and Cleveland Plank Road Company, with a capital stock of thirty thousand dollars, divided into shares of twenty-five dollars each, for the purpose of constructing a plank road from the village of Chagrin Falls, in Cuyahoga county, to the city of Cleveland, in the same county; and for such purpose the provisions of the "act incorporating the Milan and Richland Plank Road Company," passed January thirty-one, one thousand eight hundred and forty-five, and the amendment thereto, passed March eleven, one thousand eight hundred and forty-five, so far as the same are applicable to the company hereby incorporated, are hereby extended to this company, and this company is hereby subjected to the provisions of said acts, so far as the same are applicable to the company hereby incorporated.

SEC. 2. That Richard Lord, Hiram Stone, S. S. Stone, Henry L. Whitman, Asahel Abel, Jared P. Kirtland, and George B. Merwin, of Cuyahoga county, and all other persons who may become associated together by subscribing to the capital stock of the company hereby incorporated, be and they are hereby declared a body corporate and politic by the name and style of the Rockport Plank Road Company, with a capital stock of one hundred thousand dollars, divided into shares of fifty dollars each, for the purpose of constructing a plank road from the intersection of the Ohio Turnpike with Detroit street, in Ohio City, through the township of Dover, in Cuyahoga county, to Elyria, in Lorain county, or to any other point between Elyria and the mouth of Black river, at the option of said company; and for such purpose the provisions of the act incorporating the Milan and Richland Plank Road Company, passed January thirty-one, one thousand eight hundred and forty-five, and the amendment thereto, passed March eleven, one thousand eight hundred and forty-five, are hereby extended, so far as the same are applicable, to this company; and this company is hereby declared entitled to all the privileges, and subjected to all the provisions of said acts, so far as the same are applicable to the company hereby incorporated, and not inconsistent with the provisions of this act.

SEC. 3. That whenever the company last aforesaid shall have built a good and substantial bridge across Rocky river, at the point where said plank road shall cross the same, forty feet above the surface of the water, and shall have continued said plank road from said bridge to a point one half of a mile westwardly of the same, said company shall be entitled to charge the same tolls for crossing the same, that they are by the provisions of this act authorized to charge for travel on five miles of said plank road.

SEC. 4. *Be it further enacted,* That Perry Starr, Simeon M. Crane, Burton Parsons, Charles P. Judson, H. N. Minard, and all other persons who may associate themselves by subscribing to the capital stock of the

company, be and they are hereby declared a body corporate and politic by the name and style of the Birmingham and Vermillion Plank Road Company, with a capital stock not exceeding fifteen thousand dollars, in shares of fifty dollars each, for the purpose of constructing a plank, Macadam or turnpike road, from Birmingham to Vermillion, in Erie county; and for such purpose the provisions of the act to incorporate the Milan and Richland Plank Road Company, passed January thirty-one, one thousand eight hundred and forty-five, and the amendment thereto, passed March eleven, one thousand eight hundred and forty-five, are hereby extended to this company; and this company is subjected to the provisions of said act, so far as the same are applicable.

SEC. 5. The commissioners named in the fourth section of this act, or a majority of them, shall be commissioners to open books of subscription to the capital stock of the company: the company may organize on a subscription of five thousand dollars.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

#### AN ACT

To amend the charter of the city of Cleveland, and the several acts amendatory thereto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That on and after the first Monday in March next, the marshal of the city of Cleveland shall be elected and his duties [deputies] appointed in the manner pointed out in the act entitled "an act to incorporate the city of Cleveland," passed March fifth, eighteen hundred and thirty-six: Provided, that said marshal and his assistants shall be removable by the city council for neglect of duty or other good cause, of which charge such marshal shall first be notified specifically, and heard in his defence, before such removal shall be made.

SEC. 2. That the city council shall annually fix the compensation of the city marshal in any sum not exceeding four hundred dollars, including all fees by him collected for services rendered in his capacity of marshal; and said council shall also fix, in like manner, the compensation of the assistant marshals, at any sum not exceeding one hundred dollars each.

SEC. 3. That the seventh section of an act entitled "an act to amend the charter of the city of Cleveland," passed February eighth, eighteen hundred and forty-seven, and so much of all other acts as are inconsistent with the provisions of this act, be and the same are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

Authorizing the Mayor of the town of Greenville to execute a release for a certain lot in said town.

**WHEREAS**, on the original plat of the town of Greenville, in the county of Darke, it appears that in-lot number ninety-one, by the original proprietors of said town, was given to the said town for the purpose of erecting thereon a school house or academy, or both; and, whereas, it further appears that subsequently the said lot was inadvertently selected as one of the county lots, and, by the commissioners, thereafter sold to one David Couter; and, whereas, the town council and school directors of said town, in lieu of the said lot ninety-one, have agreed to accept from the commissioners of said county, a conveyance of lot number thirteen (13) in said town, for the erection of a school house or academy thereon, or both; and, whereas, further, it is doubtful whether the corporate authorities of said town have power to relinquish their claim to said lot number ninety-one, without a grant to that effect from the legislature; therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the mayor of the said town of Greenville, by and with the consent of the town council thereof, be and he is hereby fully authorized, under the seal of said town, to execute and deliver to the county commissioners of said county, a good and sufficient release on the part and behalf of said town, of the said lot number ninety-one, so soon as the said commissioners shall execute and deliver to said town, for the purposes aforesaid, a good and sufficient deed for the said lot thirteen.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 18, 1918.

## AN ACT

To incorporate the Delaware and Kenton Railroad and Slackwater Company.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That Hosea Williams, Benjamin Powers, John F. Dunlap, Thomas W. Powell, Joseph Cox, Joseph Russell, Cyrus Landen, and John Sigter, of Delaware county; E. G. Shelden, and Edwin Fisher, of Hardin county; and such other persons as may become associated with them by subscription to the capital stock of the company hereby incorporated, be and they are hereby constituted and declared to be a body corporate and politic, with perpetual succession, by the name and style of Delaware and Kenton Railroad and Slackwater Company; for the purpose of constructing a way for transportation, by means of a railroad or slackwater, or both, or either, from Delaware, in Delaware county, to Kenton, in Hardin county; and for

the transportation of passengers and articles thereon, to take and receive toll: the said company is hereby authorized and empowered to have and receive, purchase, possess, enjoy, and retain lands, rents, goods, chattels, and effects of any kind, to any amount necessary to carry into effect the objects of the corporation, and the same to use, sell, alien, and dispose of at pleasure; to sue and be sued, defend and be defended, in all courts having competent jurisdiction; to have and use a common seal, the same to alter, break, and renew at pleasure; to ordain and establish such rules, regulations, and bylaws, not incompatible with the constitution of the United States or the constitution or laws of this State, as may be necessary for the well being of said corporation, subject, however, to the restrictions and limitations contained in this act.

SEC. 2. The capital stock of said company shall consist of one hundred thousand dollars, to be divided into shares of twenty-five dollars each, and shall be transferable, in entire shares, in such manner as the rules of the corporation shall prescribe: Provided, that no stockholder, without the consent of the directors, shall be at liberty to transfer his stock after any installment is ordered, until such stockholder shall have paid the amount due on his, her or their stock.

SEC. 3. That the persons named in the first section of this act, or in case they should not choose to serve, then any number of them not less than three, shall be commissioners to receive subscription, to do and perform all necessary acts to organize the company; and they are hereby authorized and empowered to cause books to be opened at such times and in such places as a majority of those acting shall think proper, to receive subscriptions to the capital stock of said company; the commissioners may, if they think proper, require ten per centum of the amount of such subscription to be paid at the time it is subscribed, and each subscriber shall be bound to pay, from time to time, such installments on his, her or their stock, as the directors may lawfully require.

SEC. 4. That when one hundred and fifty shares shall be subscribed, the commissioners shall call a meeting of the stockholders, by causing notice of the time and place of such meeting to be published, in some newspaper of general circulation in the places where the books shall have been opened and the stock subscribed, for thirty days next preceding such time of meeting; and on such notice being given the stockholders shall meet at the time and place appointed, and select directors, and adopt such bylaws and regulations for the government of the corporation as shall be lawful and expedient; the stockholders to vote in person or by proxy, each share to be entitled to one vote.

SEC. 5. That the affairs of said company, shall be managed by five directors, or a majority of them, who shall be elected by the stockholders once in two years, unless a shorter period shall be ordained by the laws of the corporation, and they shall hold their offices until their successors shall be chosen and qualified, and each director shall be a stockholder at the time of his election, and shall cease to be a director when he ceases to be a stockholder; the directors shall have power to fill all vacancies in their own board which shall happen from death or otherwise.

SEC. 6. That the directors, before entering on the discharge of their duties, shall take an oath or affirmation faithfully and impartially to dis-

charge their duties, shall choose a president from among their number, shall appoint such other officers and agents as shall be provided for by the bylaws, determine upon any amount of bonds that they may see fit to exact from any officers of the company and pass upon their sufficiency, determine the amount of the installments to be called for upon subscriptions, declare dividends, and take the general charge and supervision of the affairs of said company.

SEC. 7. That it shall be lawful for said directors to enter upon and take possession of any lands, roads, streets, alleys, stone and earth necessary for laying out and constructing of said railroad or slackwater, and all necessary appurtenances and appendages, doing no unnecessary damage; and in all cases where the owner or owners, their agents or attorneys, shall claim or demand damages for lands or materials so appropriated for the location, construction, or repairs of said railroads and slackwater, then, and in that case, the said company shall, in all respects, be governed by the provisions of the act entitled "an act to amend the act for the regulation of turnpike companies," passed March eleventh, one thousand eight hundred and forty-three.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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AN ACT

Further to amend the act entitled "An act to incorporate the Milan and Richland Plank Road Company," passed January 23, [31] 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for said company to construct such a road as is authorized by said act, to the town of Mansfield, in Richland county, either as the main line of the road or of a branch from the route authorized by the act to which this is an amendment; and for such purposes said company is hereby invested with all the powers and privileges and is subject to all the restrictions contained in said act.

SEC. 2. That all provisions contained in the act to which this is an amendment, conflicting with the first section of this act, are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1849.

## AN ACT

To authorize the Directors of School District number Six, in Jefferson township, Madison county, to sell a certain School lot.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the directors of school district number six, in Jefferson township, Madison county, be and they are hereby authorized to sell, at public or private sale, for cash or upon reasonable credits, the school house lot now owned by said district, and to make to the purchaser a good and sufficient deed for the same: provided, the proceeds of such sale shall be applied to the purchase of a more suitable school lot for said district, and to the erection or purchasing, if it be necessary, of a school house thereon, and for no other purpose.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To incorporate the Waynesville Hydraulic Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John W. Keys, William Bispham, Seth S. Haines, Oscar J. Wright, John M. Hadden, David Evans, Enoch Hammell and Emmor Bailey, of Warren county, Ohio, with such other persons as shall be associated with them for the purposes hereinafter specified, and their successors, be and they are hereby constituted a body corporate and politic, with perpetual succession, by the name and style of the Waynesville Hydraulic Company; and, as such, shall be capable of suing and being sued, answering and being answered unto, in all courts of justice, and elsewhere; and also may have and use a common seal, and the same break, alter or renew, at pleasure.

SEC. 2. That the capital stock of said company shall consist of not more than seventy-five thousand dollars, and shall be divided into shares of fifty dollars each, which shall be subscribed and paid for under such regulations as the aforesaid corporators may prescribe; who are hereby vested with all the powers and privileges necessary to carry into effect the objects of said association, and manage its affairs until directors shall be elected.

SEC. 3. That as soon as two hundred shares of the capital stock shall have been subscribed, and twenty-five per cent. thereof paid in, the stockholders, holding a majority of the stock of said company, shall have power to elect a board of not less than five nor more than seven directors, one of whom shall be elected, by said directors, president of said company; and

that the elections of directors shall be held annually thereafter, in the town of Waynesville, on the first Monday of January ; and at all elections, each share of stock shall entitle the holder thereof to one vote : Provided, that the directors shall have power to fill vacancies in their board ; and that, should there be a failure to elect directors, the board holding office shall be fully empowered to act until their successors are elected.

SEC. 4. That the president and directors of said company shall have power to manage and superintend its affairs, and to make all bylaws necessary for regulating the concerns of said company and the transfer of stock : Provided, such bylaws shall not be inconsistent with the constitution and laws of the United States.

SEC. 5. That said company shall have power to construct and keep up a dam across the Little Miami river, at any point best suited for their purpose, and to convey the water of said river, from the west bank thereof, over or through any suitable grounds, by race or waterway of sufficient capacity, to any point or points which may be selected by said company, and to terminate at any point near the south line of the corporation of the town of Waynesville, aforesaid ; and to erect and keep in repair such buildings, headgates, wasteweirs, aqueducts, and all other appendages necessary to develop and protect the water-power thus created ; and also to erect, put into operation, use, and keep in repair such manufacturing establishments, mills or machinery, with all necessary fixtures and appurtenances, or other hydraulic works, as shall be deemed necessary to the complete enjoyment of the contemplated improvement : Provided, the assent of all persons owning any water privileges on the Little Miami river, or any lands over or through which the waterway shall be constructed, and whose interest may be affected hereby, shall first be obtained.

SEC. 6. That said company shall have power to purchase, hold and own, in its corporate name, any real or personal estate, lands, mills and water privileges, constructing and keeping in repair the dam, canal, race or waterway, and works connected therewith, and such lands as may be necessary for the erection of suitable works and buildings for the accommodation and convenience of all manufacturing establishments and their appendages, which may be put into operation by the water-power created or brought into use by this act ; and also such personal estate as may be in good faith conveyed to them in payment of debts, or purchased at sales upon judgments obtained upon debts due said company.

SEC. 7. That said company shall have power to dispose of any real or personal estate, lands, water privileges or powers which they may obtain, create, or bring into use under the provisions of this act, either by sale of any part or the whole of their interest in said lands or water-power, or by lease of the same, as individuals could or might dispose of their private property.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.



## AN ACT

To authorize the Town Council of the town of Troy, in Miami county, to borrow money for purposes therein specified.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the town of Troy, in the county of Miami, be and is hereby authorized to borrow any sum or sums of money, not to exceed the aggregate amount of twenty thousand dollars, at a rate of interest not exceeding seven per cent. per annum.

**SEC. 2.** Any sum of money which may be borrowed under the preceding section shall be, by the mayor of the said town and in its name, invested in the stock of any company or companies incorporated to construct any turnpike road or roads leading into said town, which shall be designated by the commissioners hereinafter provided for: Provided, that no greater amount than five thousand dollars shall be subscribed to the stock of any one such company.

**SEC. 3.** Whenever any loan shall be made, the town council of said town shall levy a tax sufficient to pay the interest thereon, and shall, annually, levy a sufficient tax to pay the interest on all such loans; and for the punctual payment of such interest, the whole revenue of said town shall stand irrevocably pledged. Such tax shall be assessed and collected in the manner provided in the charter of said town for the assessment and collection of corporation taxes, and shall be by the county auditor placed upon his duplicate in a separate column.

**SEC. 4.** The said town council may also create a sinking fund for the final redemption of the obligations contracted by reason of the powers granted by this act, and for that purpose may levy a tax in addition to that provided for in the preceding section, and shall be added thereto and collected in the same manner.

**SEC. 5.** At the next annual election of said corporation, the electors thereof, who shall then be chargeable with a State tax, shall elect three commissioners, who shall serve without compensation: one of whom shall serve for the term of one year, one for the term of two years, and one for the term of three years; and at the first appointment of said commissioners, the term for which each shall serve shall be determined by lot at their first meeting, the result of which they shall report to said council, to be placed upon the records of the corporation; and annually thereafter there shall be elected one commissioner, who shall serve for the term of three years, and until his successor shall be appointed and accept said office; and all vacancies which may occur, shall be filled by said council for the residue of the term.

**SEC. 6.** It shall be the duty of the said commissioners to make all loans of the amount authorized by this act, and to receive the amount thereof; and to enable them to perfect the same, the said town council shall furnish said commissioners with the proper obligations of the corporation, to secure the payment of such loans and the interest thereon.

**SEC. 7.** Whenever any such loan shall be made, and the said commissioners shall have ascertained that any such turnpike company as is specified in the second section of this act has an amount of unavailable stock subscribed sufficient, with the amount which may be proposed to be sub-

scribed by said commissioners, to construct a continuous extent of such road, commencing at said town of Troy, sufficient to authorize the taking of full tolls thereon; and when they shall have a sufficient guaranty from such company, that the same will be applied to that portion of the road, they shall notify the mayor of said town of the amount to be subscribed to the stock of such turnpike company; and the said mayor shall then, for and on behalf of the said town, subscribe the amount so specified.

SEC. 8. The commissioners shall disburse the amount of the corporation stock to the contractors in proportion to the amount paid from other sources; and they may withhold all payments, if that portion of the road shall be let at a higher rate than the gross amount of the estimate of its costs.

SEC. 9. The commissioners shall be entitled to receive, out of the tolls on any such road, a dividend upon the stock subscribed by the corporation, in proportion to the amount thereof and of the cost of construction of that portion of the road upon which the same shall have been applied without deduction, except a proportionate amount for necessary repairs of that portion of the road and the cost of receiving said tolls.

SEC. 10. The county treasurer shall, out of the amount of all taxes collected for said corporation, and before payment of any portion thereof into the treasury of said corporation, pay to said commissioners such amount of said taxes as they shall require for the payment of interest on loans, and for the sinking fund out of which they shall pay the interest on loans, and may invest the sinking fund in any stocks which they may deem safe and profitable, and reinvest the profits arising therefrom, with a view to the redemption of the obligations entered into for the payment of such loans.

SEC. 11. These commissioners shall vote upon the stock of the corporation.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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AN ACT

To incorporate the Portsmouth Bridge Company, in Scioto county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That William Hall, James Lodwick, James W. Davis and James L. McVey, of Scioto county, and their associates, be and they are hereby created a body corporate and politic by the name and style of the Portsmouth Bridge Company; and, as such, shall remain and have perpetual succession, and by their corporate name may contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, defend and be defended, in any court having competent jurisdiction; and may have a common seal, which they may alter or change at pleasure.

**SEC. 2.** That said bridge company be and they are hereby authorized to erect a tollbridge across the Scioto river, at or near the western termination of Second street, in the town of Portsmouth, in said county of Scioto, so as to connect with the towing path of the Ohio and Erie Canal, on the west bank of said Scioto river; and that the said bridge company be authorized to widen the said towing path so as to make a good road through the bottom of the Scioto, from the north end of said bridge to the high ground near Waller and Cole's mills: Provided, that the said bridge company shall, if deemed necessary by the board of public works, erect post and railing of sufficient height, dividing the road so to be constructed from the said towing path, from the said bridge to the termination of said road at the high ground near said Waller and Cole's mills.

**SEC. 3.** That said bridge company shall construct said bridge in a substantial manner, of proper width, and in all respects of sufficient dimensions and strength to admit of the safe passage of teams, carriages and passengers, and complete the same within three years from and after the passage of this act.

**SEC. 4.** That the said bridge company and the board of public works shall have power to enter into an agreement for the construction of a towing path bridge in connection with said road bridge, on such plan as the board of public works may direct; and the board of public works be and are hereby authorized to pay such proportion of the cost of the bridge as shall, in the opinion of the board of public works, be equitable; or, if preferred by the board of public works, the said bridge company shall erect the towing path bridge, and receive such annual compensation for the use thereof, by the State, as may be deemed just by the board of public works.

**SEC. 5.** That, after the completion of said bridge as aforesaid, the said bridge company are hereby authorized to demand and receive from persons who shall cross the same, not to exceed the following rates of toll, to wit:

For each foot passenger, three cents;

For every horse, mule or ass, one year old and upwards, five cents;

For each horse and rider, ten cents;

For every chaise, chair or gig, or wheeled pleasure carriage, with one horse and driver, fifteen cents; and the same, with two horses and driver, twenty cents;

For each chariot or other pleasure carriage, with four wheels, drawn by two animals, driver included, twenty-five cents; the same, drawn by four animals, with driver, thirty-five cents;

For every sled or sleigh, drawn by one animal, with driver, ten cents; and for every additional animal, five cents;

For every wagon, drawn by two animals, with driver, twenty-five cents; and for every animal in addition, five cents;

For every head of neat cattle, six months old and upwards, two cents;

For every head of hogs and sheep, one cent:

Provided, that all troops of the United States and of this State, with their baggage and stores, persons attending muster, all persons going to and from public worship on Sundays, and all funeral processions, shall cross said bridge free of charge: Provided, that nothing in this act shall be so construed as to exempt from the payment of tolls persons conveying the mails of the United States; and the legislature reserves the right to revise and

re-establish the rates of tolls to be charged by said bridge company, five years after said bridge shall be completed, and every five years thereafter.

SEC. 6. That said bridge company, previous to receiving any tolls, shall set up and keep in a conspicuous place, over or near the gate to be erected on said bridge, a board on which shall be painted or printed, in a plain and legible manner, the rates of tolls allowed.

SEC. 7. That if any person shall claim any damages for injuries done to his or her lands, by the construction of said bridge, and by widening said towing path through the same, or on account of any materials for the construction and repair of said bridge and road so to be constructed along said towing path, the amount of such damages shall be assessed and determined by three disinterested freeholders, to be appointed by the county commissioners of said county of Scioto, on application by any of the parties interested; and the proceedings in regard to such claims of damage shall, in all respects, except in the apportionment [appointment] of said freeholders, be governed by the provisions of the "act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, and the acts amendatory thereto.

SEC. 8. That said bridge company shall have power to make such by-laws, rules and regulations, for the government of all matters pertaining to said bridge and road, as they may deem expedient, not inconsistent with the laws and constitution of the United States and of this State, or the provisions of this act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848

#### AN ACT

To authorize the sale of Section Sixteen, Harris township, Ottawa county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section sixteen in Harris township, Ottawa county, be and the same is hereby authorized to be sold: Provided, that no part thereof be sold for less than the appraised value thereof; and that such sales shall, in all respects, be governed by the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February two, one thousand eight hundred and forty-three, and of the "act to fix the minimum price of the sale of school lands," passed March four, one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To authorize the supervisor of the town of Bainbridge to lay out a part of the road tax on roads leading from said town.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the supervisor of the town of Bainbridge, in the county of Ross, to lay out and expend one-half of the road tax accruing within the limits of said town upon the roads leading from the town of Bainbridge to Maysville, and from Bainbridge to Hillsborough, and within the township of Paxton, if, in the opinion of the supervisor, the interest of the inhabitants of Bainbridge would be best promoted thereby. The trustees of the township of Paxton shall settle with the supervisor, as in other cases, for services rendered upon the highways.

SEC. 2. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To lay out and establish the Bennington and Mount Gilead Free Turnpike Road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Edward Mason, Isaac P. Freeman, Edward R. Shotwell, and Jonathan Frost, of Delaware county; and James B. Shaw, of Marion county, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, to commence on the Cuyahoga road in Olive Green, Delaware county; thence northerly, via Macedonia and Freeman's store, to Mount Gilead, in Marion county: said road to follow the track of roads already established, except alterations are made to shorten the distance, and improve the track.

SEC. 2. That said commissioners and their successors shall be a body corporate by the name and style of the Bennington and Mount Gilead Free Turnpike Road, and shall be governed, in all their proceedings, by the provisions of the "act to provide for laying out and establishing free turnpike roads," passed March twelfth, one thousand eight hundred and forty-five, and the acts amendatory thereto, except so far as the same may be modified or changed by this act.

SEC. 3. That the county commissioners of the respective counties through which this road shall pass, be and they are hereby required, annually, at their March session, to levy a tax of one mill on each dollar on all taxable property, real and personal, within one-half mile on each side of said road, and cause a copy of such assessment to be delivered to the president of the board of commissioners herein named, annually, on or before

the first Monday in April; the aforesaid tax shall be assessed and collected upon the grand duplicate of the county the same as other taxes for State and county purposes.

SEC. 4. That the aforesaid commissioners and their successors in office are hereby authorized to locate and construct said road in a substantial and durable manner; and for all labor performed or materials furnished in the construction or repair of said road, said commissioners are hereby authorized and required to give to the contractors and laborers on said road a certificate of such amount as may be due them for work done or materials furnished, directed to the county auditor, who is required to issue orders on the county treasurer for the amount due the holders of said certificates, payable out of the funds arising from the aforesaid taxes; said orders shall draw interest from their date, at the rate of six per cent. per annum; after the auditor and treasurer of the counties through which this road is established shall have made their annual settlements, the county auditors of their respective counties shall declare a dividend, to be paid on said orders, out of said fund, in proportion to the amount of orders issued and outstanding, which amount shall be paid by the treasurer on the presentation of said orders.

SEC. 5. That all labor on this turnpike road in the payment of taxes, shall be performed between the first Monday of April and the first Monday of July, annually, or thereafter be payable only in money: this act to take effect from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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#### AN ACT

To provide for the surrender of leases of Virginia Military School Lands in Ashland county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the lessees of so much of the northwest quarter of section three, township twenty-two, range sixteen in Ashland county, as is contained within the limits of a certain lot belonging to school district number eight, in Montgomery and Orange townships, Ashland county, and on which the school house belonging to said district now stands, be and they are hereby authorized to surrender their lease to the register of said Virginia Military District School Lands at Mansfield, and pay to said register the amount of the appraisal of said lot in proportion to the whole amount of the appraisal of the northwest quarter of section three, township twenty-two, range sixteen, of said county, which surrender and payment shall be certified by the register to the governor, who shall give a deed for said lot to the lessees thereof; provided, that the proceedings relative to said lot shall be in accord-

ance with an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three, and "an act to fix the minimum price of the sale of school lands," passed March four, one thousand eight hundred and forty-five.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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AN ACT

To authorize Muskingum county and the town of Zanesville to subscribe to the capital stock of the Central Ohio Railroad.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio.* That the commissioners of Muskingum county be and they are hereby required and authorized to subscribe to the capital stock of the Central Ohio Railroad Company, the sum of sixty thousand dollars; provided, the assent of the people of said county be obtained in the manner hereinafter provided; the stock so subscribed by the county may be voted at all meetings of the company, by the proxy of the commissioners.

SEC. 2. That for the payment of said stock, the commissioners of said county are hereby authorized to borrow money at a rate of interest not exceeding six per cent. per annum, and to pledge the faith of the county for the annual payment of the interest, and the ultimate redemption of the principal; or, if the said commissioners should deem it most advisable, they are hereby empowered to pay for such subscription or purchase, in bonds of the county, to be drawn for that purpose, in sums not less than one hundred dollars, bearing an interest not exceeding six per cent. per annum: provided, that no bond shall be paid out at a rate less than par value.

SEC. 3. No such subscription shall be made unless a majority of the qualified voters of said county, voting for or against such subscription, shall vote for the same; and the commissioners of said county shall give at least thirty days' notice, in two newspapers of general circulation in the county, to the qualified electors of said county, requiring said electors to vote, at the annual spring or fall elections, for or against the said subscription, and the opinion of said electors shall be expressed on their ballots, "for subscription," or "against subscription," and counted and returned by the judges and clerks of elections, as in other cases.

SEC. 4. The said commissioners shall levy and collect, annually, such taxes as, together with the tolls arising from the said stock in said road, will pay the interest of such loan and other incidental charges and liabilities connected therewith.

SEC. 5. The mayor, recorder and council of the town of Zanesville, shall make a like subscription to the amount of thirty thousand dollars, upon a like vote of the people of said town, to be taken at such time as the council shall direct; they shall be governed by the preceding provisions of this act, as to the payment of the principal and interest, the borrowing of money, the issuing of bonds, the levying of taxes, and the voting the stock.

SEC. 6. No subscription shall be made by the county commissioners until after the town of Zanesville shall have subscribed the sum of thirty thousand dollars, as hereinbefore provided for.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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#### AN ACT

To amend the act to incorporate the Dayton and Wilmington Turnpike Road Company, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That in addition to the corporators named in the "act to incorporate the Dayton and Wilmington Turnpike Road Company," Ebenezer Andrews, Allen Fawer, and Henry Van Tuyl, be and they are hereby made corporators of said company: the eastern terminus of said road shall be at Bellbrook, in Greene county.

SEC. 2. That John Saylor, Daniel Leas, Abraham Sheller, and John C. Fall, of the county of Preble; and Cornelius Christopher, Lewis Mundhenk junior, Francis M. Chambers, and William L. Reed, of the county of Montgomery, be and they are hereby made a body politic and corporate by the name of the Lewisburgh and Liberty Corners Turnpike Road Company, with perpetual succession, for the purpose of constructing a turnpike road from Lewisburgh, in Preble county, to Liberty Corners, in Montgomery county: said company shall have all the rights, privileges and powers, and be subject to all the restrictions provided for in the act to regulate turnpike companies, passed January seven, one thousand eight hundred and seventeen, and the several acts amendatory thereto.

SEC. 3. That the capital stock of said company shall be twelve thousand dollars, to be divided into shares of twenty dollars each.

SEC. 4. That Jonathan Reed, J. C. Vorhes, Henry Marshall, Henry Baker, David Shaffer, J. B. H. Dodson, and David Dunn, be and they are hereby created a body politic and corporate with perpetual succession, by the name of the Salem and Euphemia Turnpike Road Company, to construct a turnpike road from Salem, in Montgomery, to Euphemia, in Preble county; having all the rights, powers and privileges, and being subject to



the restrictions provided for in said act, passed January seven, one thousand eight hundred and seventeen, and the acts amendatory thereto.

SEC. 5. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty dollars each.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

#### AN ACT

To incorporate the town of Gilboa, in the county of Putnam.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Blanchard, in the county of Putnam, as now is or may hereafter be included in the recorded limits of the town plat of the town of Gilboa, in said county, be and the same is hereby created a town corporate, to be known and designated by the name of Gilboa; and shall, in all respects, be governed by the provisions of an act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty-nine, and the acts amendatory thereto.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

#### AN ACT

To incorporate the town of Hillsboro', in the county of Highland.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory included within the original town plat of the town of Hillsboro', in the county of Highland, and the additions that have been or may hereafter be made thereto, and so much of the territory west and south of the original town plat and additions as would be comprehended by a line running north, six degrees east from the northwesterly corner of Thompson's addition to the original line of Benjamin Ellicott's survey; thence with said line to the northerly corner of said Ellicott's addition and a line running from the northeasterly corner of Thompson's said addition to the southeasterly corner of Thompson's said addition; thence south, eighty-four degrees east, to the original southerly line of said Ellicott's original

survey, shall be and is hereby declared a town corporate with perpetual succession, and as such shall be entitled to all the privileges, and subject to all the limitations of "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty-nine, and the acts amendatory thereto.

SEC. 2. The corporate authorities of said town shall not, in any one year, levy more than two mills on the dollar of valuation on the property of said town for corporation purposes.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

#### AN ACT

Appointing commissioners to lay out and establish a Free Turnpike Road from Eaton to Sugar Valley, in Preble county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Ross Conger, James Ryan, and Pliny McCrume, be and they are hereby created commissioners to lay out and establish a free turnpike road from the town of Eaton to Sugar Valley, in Preble county, to be a body corporate by the name of the Eaton and Sugar Valley Free Turnpike Company.

SEC. 2. Said commissioners shall be governed in all respects by the act entitled "an act to lay out and establish free turnpike roads," passed March twelfth, one thousand eight hundred and forty-five, and the several acts amendatory thereto.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

#### AN ACT

To establish a Free Turnpike Road from Marysville, in Union county, to Kenton in Hardin county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Johnson, and Joshua Harris, of the county of Union; and Cyrus Dilly, of the county of Hardin, be and they are hereby appointed commissioners to lay out and establish a free turnpike road from the town of Marysville, in Union county, thence following the present location of the Marys-

ville and Kenton State road to Summersville, in said Union county; thence following the said State road to Kenton, in the county of Hardin; which shall be constructed, repaired and preserved in the manner pointed out in such general laws as are now or may hereafter be in force; and said commissioners shall, in all their proceedings, be governed by the provisions of such general laws.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 13, 1848.

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AN ACT

To incorporate certain towns therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Wayne, in the county of Jefferson, as is included in the recorded plat of the town of Bloomfield, or that may hereafter be included in the town plat of said town, is hereby created a town corporate, to be known and designated by the name of the town of Bloomfield, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 2. That so much of the township of Penn, in the county of Morgan; as is now or may hereafter be included in the recorded plat of the town of Pennsville, is hereby created a town corporate, to be known and designated by the name of the town of Pennsville, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 3. That so much of the township of Mill, in the county of Tuscarawas, as is now or may hereafter be included in the recorded plat of the town of Uhricksville, is hereby created a town corporate, to be known by the name of the town of Uhricksville, and by that name shall be a body corporate and politic, with perpetual succession: provided, that lots number one, two, three and four shall not be included in said corporation.

SEC. 4. That the towns named in the preceding sections of this act, shall severally be entitled to all the privileges and subject to all the restrictions of the act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty-nine, and the acts amendatory thereto.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To extend the corporate limits of the town of Xenia, in Greene county.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the territory comprised within the following boundaries shall hereafter be known as the town of Xenia; and the laws, ordinances, rules and regulations now in force, or that shall be hereafter enacted or ordained for the government of said town, and all laws now in force governing the same, shall be applicable to and in force within the territory described, to wit: beginning at a stake one hundred and seventy three-tenths poles south, seventy eight degrees thirty minutes west, from a stone set at the centre of the intersection of Chillicothe and Detroit streets, in said town; thence south, twenty-one degrees ten minutes east, fifty two-tenths poles to a stake in the centre of the lower Bellbrook road; thence south, fifty-four degrees fifty minutes east, one hundred and twenty-four six-tenths poles to a stake, crossing the Cincinnati Lebanon and Springfield turnpike road at fifty five-tenths poles, and the Little Miami railroad at ninety-seven poles; thence north, sixty-two degrees forty-five minutes east, one hundred and ninety poles to a stake in the easterly edge of the Wilmington road, crossing the Bullskin road at fifty-eight poles, and Shawnee run at seventy poles; thence north, seventy-nine degrees fifty minutes east, fifty-two poles, to a stone in the centre of the north fork of Shawnee run at a black walnut ten inches diameter, bearing north thirty-four degrees west thirty-one links; thence up said run south, thirty-eight degrees fifteen minutes east, five seven-tenths poles to a stake; thence north, eighty-four degrees forty-five minutes east, thirty-two eight-tenths poles to a stake; thence north, eighty-eight degrees east, twenty poles to a stake; thence north, seventy-four degrees thirty minutes east, thirteen poles to a stake; thence north, fifty-one degrees forty-five minutes east, ninety-seven two-tenths poles, crossing the original line between surveys number two thousand two hundred and forty-three and two thousand two hundred and thirty-nine at fifty-two five-tenths poles, at a black walnut about five and a half poles north, six degrees thirty minutes from where said run crosses said line, and being one of the corners of the old corporation, to a stake in the easterly line of lots laid off by William Stewart, and four seventy-two one-hundredths poles north, six degrees thirty minutes east, from a stone southeast corner of said lots; thence with the line of said lots north, six degrees thirty minutes east, forty-two two-tenths poles to a stake in the Jamestown road, or road to Parry's mill; thence north, thirty and three-fourths degrees west, fifty-three six-tenths poles to a large sugar tree near said original line; thence north, seventy-nine degrees fifteen minutes west, three hundred and thirty poles, crossing the turnpike leading to Columbus at one hundred and sixty-three poles, and railroad at three hundred and twenty-nine poles, to a stake in the Springfield road, one hundred and sixty poles north, eleven degrees fifty minutes west, from the stone at the centre of Main and Detroit streets; thence south, fifty-nine degrees west, one hundred and forty seven-tenths poles, crossing Galloway's millrace at ninety-one poles, and Shawnee run at one hundred and sixteen poles, to a stake in the corner of Lewis H. Beall's field; thence south, twenty degrees ten minutes west, seventy-three

three-tenths poles to a stake in the Dayton road ; thence south, five degrees thirty minutes west, twenty-eight one-tenth poles to a stake near the west side of Blessing and Lucas' barn ; thence south, twenty-one degrees ten minutes east, twenty-five two-tenths poles to the place of beginning.

SEC. 2. That so much of the twenty-seventh section of the act entitled "an act to amend the act for levying taxes on all property in this State according to its true value," passed March second, one thousand eight hundred and forty-six, as applies to the town of Xenia, in Greene county, be and the same is hereby repealed ; and said town may levy and collect taxes in the same manner and to the same extent as provided in its act of incorporation.

SEC. 3. That the costs and jail fees of all persons committed by the mayor of said town, or arrested and brought before him for hearing or trial for any violation of the laws of Ohio, shall be paid in the same manner as such costs are paid in cases of justices of the peace.

SEC. 4. So much of all acts or parts of acts as conflicts with the provisions of this act are hereby repealed.

SEC. 5. This act to take effect from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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#### AN ACT

To lay out and establish a Free Turnpike Road from the Dayton and Western Turnpike to the Germantown and Eaton Road, in Montgomery county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Weaver, James T. Thompson, Christian Herr, John Nicholas and Peter Roades, of the county of Montgomery, be and they are hereby appointed commissioners to lay out and establish a free turnpike road ; commencing at some suitable point on the Dayton and Western Turnpike Road ; and thence to run south, to a proper point on the great road leading from Germantown to Eaton ; which road shall be constructed, repaired and preserved, in the manner pointed out in the general act to provide for laying out and establishing free turnpike roads, passed March twelve, one thousand eight hundred and forty-five, and the acts amendatory thereto ; and said commissioners shall be governed, in all their proceedings, by the provisions of the said acts.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To authorize the holders of certain imperfect leases of ministerial section number twenty-nine, township four, range twelve, Meigs county, to surrender said leases under the "act to regulate the sales of ministerial and school lands, and the surrender of permanent leases thereto, passed February 2, 1843.

WHEREAS, by an act of the General Assembly, passed January twenty-second, one thousand eight hundred and six, in relation to permanently leasing certain ministerial lands, it was made lawful for the trustees of original surveyed townships to lease ministerial section number twenty-nine, in township four, range twelve, in the Ohio Company's purchase, at one dollar or more per acre, as by reference to said act will more fully appear: and whereas, by an act passed February six, one thousand eight hundred and ten, the said act above recited was repealed in so much as relates to the price per acre of said lands, the said repealing act to take effect from and after the first day of May then next, as by said act will also more fully appear: and whereas, before the said repealing act took effect, to wit, on the nineteenth day of February, one thousand eight hundred and ten, the trustees of township number four, above named, commenced proceedings for the purpose of leasing, on perpetual leases, the said ministerial section to sundry persons: and whereas, the said leases were not perfected until after the said repealing act had taken effect, and the said leases were executed in good faith, and the several tenants entered upon and took possession of said section by virtue of said imperfect leases: and whereas, by an act passed February two, one thousand eight hundred and forty-three, all persons being the legal or equitable holders of any such leases were authorized to surrender the same and to purchase the fee in such lands: and whereas, the lessees of the said section twenty-nine desire to surrender their leases and purchase the fee therein, but in consequence of the defect in their said leases they cannot, in conformity to the last named act; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That ministerial section number twenty-nine, in township four, range twelve, of the Ohio Company's purchase, in Meigs county, be and the same is hereby made subject to sale under the act of February two, one thousand eight hundred and forty-three, entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto;" and the bona fide holders of any defective or imperfect leases, of any part or all of said section, are hereby authorized to surrender the same as fully, and with like effect, as though said leases had been executed according to law.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To lay out and establish a Free Turnpike Road from Stephen Latimer's, in Union county, to Urbana, in Champaign county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio* That Henry Neil, of Champaign county; E. C. Smith, of Union county; and E. W. Barlow, of Madison county, be and they are hereby appointed commissioners to lay out and establish and construct a free turnpike road from a point on the Columbus and Bellefontaine Free Turnpike Road, at or near Stephen Latimer's; thence to Pleasant Valley, Madison county; thence, on the most practicable route, to Westford, Union county; thence, on the most practicable route, to Urbana, Champaign county.

SEC. 2. The said commissioners, and their successors, shall be a body corporate by the name and style of the Pleasant Valley, Westford and Urbana Free Turnpike Road Company; and they shall have the rights, privileges and powers, and be subject to all the restrictions defined in the "act to provide for laying out and establishing free turnpike roads," passed March twelve, one thousand eight hundred and forty-five, and the acts amendatory thereto, except so far as the same may be modified or changed by this act.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To establish a graded State road in the counties of Gallia, Meigs and Athens.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That William Symmes, of Gallia county; Ziba Linley, of Athens county; and Columbia Downing, of Meigs county, be and they are hereby appointed commissioners, and George House, of Gallia county, surveyor, to lay out, survey and establish a graded State road; to commence at Fisher's ford, of Little Raccoon creek, in Huntington township, in Gallia county; thence to Vinton, in said county; thence, the nearest and best route, to Athens, in Athens county.

SEC. 2. That the commissioners aforesaid, in locating said road, shall have a due regard for private as well as public interest; and that said road shall not exceed an angle of five degrees with the horizon.

SEC. 3. That the said commissioners shall have power, and are hereby authorized, to appoint such number of trustees along the line of said road as they may think best, whose duty it shall be, and they are hereby authorized, to solicit, collect and receive subscriptions or donations, either in money, work or property, and expend the same in the manner intended by the subscribers or donors, to be applied by any one of said trustees within whose township said road may pass; and apply the same to the opening and im-

proving said road, according to the true intent and meaning of said subscription or donation : Provided, that all subscriptions or donations that may be made for the improving and opening said road, without any definite specification where it shall be applied on said road, the trustee or trustees, appointed as aforesaid in the township where such subscription or donation shall have been made, shall, in all such cases, apply such subscriptions and donations as they may think proper, for the benefit of said road.

SEC. 4. That should either of the commissioners, or surveyor, named in the first section of this act, die, refuse to serve, or remove out of their respective counties, the commissioners of the county where such vacancy may happen shall fill the same as often as it may occur.

SEC. 5. That the commissioners and surveyor, aforesaid, shall be governed, in all respects, by the law now in force defining the mode of laying out and establishing State roads, (except such cases as are herein provided for) ; and the expenses of laying out and establishing said road shall be paid in the manner pointed out in said act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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#### AN ACT

To lay out and establish a graded State road in the counties of Gallia and Jackson.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Thomas Vaughan, of Jackson county ; John E. Holcomb and Calvin Shephard, of Gallia county, be and they are hereby appointed commissioners, and George House, of Gallia county, surveyor, to lay out, survey and establish a graded State road, to commence at Jackson court-house, in Jackson county : thence, the most practicable route for such a road, to Vinton, in Gallia county ; thence, the best route, to the Ohio river, opposite Point Pleasant, in Mason county, Virginia.

SEC. 2. That the commissioners aforesaid, in locating said road, shall have a due regard for private as well as public interest ; and that said road shall not exceed an angle of five degrees with the horizon.

SEC. 3. That the said commissioners shall have power, and they are hereby authorized, to appoint such number of trustees along the line of said road as they may think best, whose duty it shall be, and they are hereby authorized, to collect and receive all subscriptions, and receive all donations, either in money, work or property, intended by the said subscriber or subscribers, donor or donors, to be applied on said road by any one of said trustees within whose township said road may pass ; and apply the same to the opening and improving said road, according to the true intent and meaning of said subscription or donation : Provided, that all subscriptions or donations that may be made for the improving and opening of said road, with-



out any definite specification where it shall be applied on said road, the trustee or trustees, appointed as aforesaid, in the township where such subscription or donation shall have been made, shall, in all such cases, apply such subscriptions and donations as they may think proper, for the benefit of said road.

SEC. 4. That should either of the commissioners, or surveyor, named in the first section of this act, die, refuse to serve, or remove out of their respective counties, the commissioners of the county where such vacancy may happen shall fill the same as often as it may occur.

SEC. 5. That the commissioners and surveyor, as aforesaid, shall be governed, in all respects, by the law now in force defining the mode of laying out and establishing State roads, except such cases as are herein provided for; and the expenses of laying out and establishing said road shall be paid in the manner pointed out in said acts.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 18, 1848.

#### AN ACT

To amend the act incorporating the town of Troy, in the county of Miami, passed March 7th, 1842, and to repeal certain sections of an act amendatory thereto, passed February 26th, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any tax, assessed by the town council of the town of Troy by virtue of the thirteenth section of the act to which this is an amendment, shall remain unpaid, it shall be the duty of the treasurer of said county, at the time of making his annual settlement with the auditor of said county, to return to said auditor a list of said delinquent taxes; and it shall be the duty of said auditor to place said delinquent taxes upon the duplicate of the ensuing year, together with the same penalty and interest, and under the same regulations, that the laws now in force, or that may hereafter be enacted, may require in cases of delinquent State or county taxes.

SEC. 2. That said town of Troy be exempt from the operation of the twenty-seventh section of an act passed February eighth, one thousand eight hundred and forty-seven, entitled "an act to amend the act for levying taxes on all property in this State according to its true value," passed March second, one thousand eight hundred and forty-six, so far as it conflicts with the thirteenth section of the act to which this is amendatory.

SEC. 3. That the first and second sections of an act passed February twenty-sixth, one thousand eight hundred and forty-six, amending the act incorporating said town of Troy, be and the same are hereby repealed.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To authorize the directors of school district number two, in Gratis township, Preble county, to sell a certain school lot.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the directors of school district number two, in Gratis township, Preble county, be and they are hereby authorized to sell, at public or private sale, for cash or upon reasonable credits, the school house lot now owned by said district, and described as follows, to wit: In-lot number forty-nine, as known and designated upon the town plat of the town of Winchester, Preble county, and to make to the purchaser a good and sufficient deed for the same: Provided, the proceeds of such sale shall be applied to the purchase of a more suitable school lot for said district, and to the erection (or purchase, if necessary,) of a school house thereon, and for no other purpose.

SEC. 2. The directors of said school district shall give twenty days' notice of the time and place of sale of said school house lot, by putting up written advertisements in five of the most public places in the township of Gratis, Preble county.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To appoint commissioners to lay out and establish a Free Turnpike Road in the county of Paulding.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Mussleman, Thomas Wheelan and Mr. Barnhill, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, beginning at the southwest corner of township number one north, of range number three, east, in Paulding county, running in a northerly direction to the northwest quarter of section number thirteen, in township number two north, of range number two, east; thence north, to the bridge across the Wabash and Erie Canal, in township number three north, of range number three, east; and thence north, to the Maumee river, which shall be governed, in all respects, by the act passed March twelfth, one thousand eight hundred [and] forty-five, entitled "an act to provide for laying out and establishing free turnpike roads," and the acts amendatory thereto.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To lay out and establish a Free Turnpike Road from Richland, in Logan county, to Roundhead, in Hardin county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Matthew Simpson, Henry Nagle and H. S. Camp, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, to commence at Richland, in Logan county; and thence, to run on the nearest and most practicable route, to Roundhead, in Hardin county.

SEC. 2. That said road shall be constructed, repaired and preserved, in the manner pointed out in the "act to provide for laying out and establishing free turnpike roads," passed March twelfth, one thousand eight hundred and forty-five, and the acts amendatory thereto, except so far as the same may be modified or changed by the provisions of this act.

SEC. 3. That said commissioners, and their successors in office, shall be a body corporate by the name and style of "The Richland and Roundhead Free Turnpike Road," and shall be governed, in all their proceedings, by the acts above recited, and have all the powers conferred thereby, and be subject to all the restrictions thereof, except as may be herein provided.

SEC. 4. That the boards of commissioners of the counties of Logan and Hardin shall, in their respective counties, order and direct, at any regular or special session called for the purpose, all, or such portion as they may respectively deem proper, of the taxes levied on all property, real and personal, for road purposes, within two miles of said road, to be appropriated and applied to the construction and repair of said road; and they may, respectively, from time to time, make such order, in relation to apportioning said road taxes to said road, as they may deem proper; and all such taxes shall be collected, appropriated and discharged, in the manner now authorized by law; but no road tax shall be applied to the construction or repair of said road, unless ordered and directed by said county commissioners.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To incorporate the Kalida and Miami Extension Canal Railroad.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Charles M. Godfrey, Winchton Risley, James McKenzie, Thomas Couten, Thomas R. McClure, Sheldon Guthrie and Hugh Crawford, are hereby created a body corporate, with perpetual succession, by the name of the Kalida and Miami Extension Canal Railroad Company, with power to construct a railroad from the town of Kalida, in Putnam county, by the most practicable route, to the Miami Canal, at or near section nineteen or twenty of said canal.

SEC. 2. The capital stock of said company shall be any amount not exceeding one hundred thousand dollars.

SEC. 3. Said company shall have all the powers, and be subject to all the restrictions and provisions, of the act regulating railroad companies, passed February eleventh, one thousand eight hundred and forty-eight.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 18, 1848.

#### AN ACT

To incorporate the Wellsville, Millersburg and Mount Vernon Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That D. L. Lawson, A. G. Catlet, James Stewart, Henry Cope, George Wells and James Farmer, of Wellsville, Ohio; J. Pearce, John Beatty, of Carroll county Ohio; Lewis T. Burk, of Tuscarawas county; John Carey, Joseph Ankeny, James S. Irvin, Samson C. Beavers and Jacob B. Cock, of Holmes county; and Daniel S. Norton, John Parrott, C. P. Buckingham, Jacob Davis, Eli Miller, James E. Woodbridge, E. G. Woodward, Rollen C. Haud and William Beam, of Knox county, Ohio, are hereby created a body corporate, with perpetual succession, by the name of the Wellsville, Millersburg and Mount Vernon Railroad Company, with power to construct a railroad from the town of Wellsville, in the county of Columbiana, through the counties of Carroll and Tuscarawas, to the town of Millersburg, in Holmes county; thence to the town of Mount Vernon, in Knox county.

SEC. 2. The capital stock of said company shall be one million five hundred thousand dollars.

SEC. 3. That said company shall have power to connect with any other road or company which now is or may hereafter be established upon any portion of said route, upon such terms as may be agreed upon; and such company or corporation shall, thenceforward, be merged in and form part of this company, and be, thereafter, governed by the provisions of this act.

SEC. 4. Said company shall have all the powers, and be subject to all the restrictions and provisions, of the act regulating railroad companies, passed February eleventh, one thousand eight hundred and forty-eight.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To incorporate the Central Valley Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Israel Dille, Albert Sherwood and Benjamin Briggs, of Licking county ; R. C. Mendenhall, Elias Ellis and George W. Adams, of Muskingum county ; William Semple, Arnold Medbery, James Ravenscroft, Thomas C. Ricketts, William K. Johnson and W. G. Williams, of Coshocton county ; Nathaniel Hayden, A. J. Bennett, Walter M. Blake, John Welsh, R. M. Dawson and R. I. Nugen, of Tuscarawas county ; David Allen, David Harris, Kealen Wager, James McCartney and Swan C. Vance, of Belmont county ; Daniel Kilgore, T. Hogg, William Milligan, Samuel Skinner, John Hastings and Samuel Guthrie, of Harrison county, are hereby created a body corporate, with perpetual succession, by the name of the Central Valley Railroad Company, with power to construct a railroad from a point at or near the town of Newark, in Licking county ; thence to Coshocton, in Coshocton county ; thence, by some direct and eligible route, to a point on the Ohio river, opposite the town of Wheeling, in Virginia ; and privilege is also granted, and power given to said company, in case a railroad shall not, within three years, be constructed between the city of Columbus and Newark, in Licking county, to continue its road from Newark to said city of Columbus.

SEC. 2. The capital stock of said company may be any amount not exceeding one million of dollars.

SEC. 3. Said company may connect its railroad, by agreement, with any other railroad corporation ; and have all the powers, and be subject to all the restrictions and provisions, of the act regulating railroad companies, passed February eleventh, one thousand eight hundred and forty-eight.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate*

February 18, 1848.

## AN ACT

To incorporate the Lancaster Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That H. H. Hunter, D. Tallmadge, John Chaney, Samuel Spangler, Daniel Crumley, Thomas Ewing, Gideon Martin, Salem Wolf, John Bartlett, Geo. Berry, John Wiley, Daniel Keller, Christian Baker, Thomas McNaughten, Samuel Boder, Peter Hay, Wright Larimer, Robert Sanderson, Joel Radebaugh, Charles Borland, P. Van Trump and M. A. Daugherty, are hereby created a body corporate, with perpetual succession, by the name of the Lancaster Railroad Company, with power to construct a railroad from the town of Lancaster, Fairfield county, to the city of Columbus, in Franklin county.

SEC. 2. The capital stock of said company may be any amount not exceeding five hundred thousand dollars.

SEC. 3. Said company shall have all the powers, and be subject to all the restrictions and provisions, of the "act regulating railroad companies," passed February eleventh, one thousand eight hundred and forty-eight.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 18, 1848.

#### AN ACT

To incorporate the "German United Evangelical Synod of America."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Karl S. Solden, Matthew S. Dethlefs, G. S. Vogt, C. H. A. Allardt, Martin S. Schaard and Konrad Mees, and their associates, be and they are hereby created a body corporate and politic by the name of "The German United Evangelical Synod of America," and, as such, shall remain and have perpetual succession; and, by their corporate name, may contract and be contracted with, sue and be sued, answer and be answered unto, plead and be impleaded, defend and be defended, in any court of competent jurisdiction, in all manner of actions, causes and complaints whatsoever; and may have and use a common seal, which they may change, alter or renew at pleasure; and shall have power to make such bylaws, rules and regulations, for the government of said synod, as they may deem necessary and expedient, not inconsistent with the laws and constitution of the United States or State of Ohio.

SEC. 2. That the said corporation, by the name and style aforesaid, shall be capable in law of holding property, real, personal, or mixed, either by purchase, gift or devise, grant or legacy, which may become the property of said corporation: Provided, that the annual income of such property shall not exceed the sum of ten thousand dollars.

SEC. 3. That said synod shall have power to organize itself, under this charter, at any time and in any manner deemed expedient for its purposes; which are, to encourage and propagate the religious doctrines and sentiments entertained by the German United Evangelical Church; and shall have power to establish a seminary or college, a newspaper, and such other aids as are usual in like cases.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To incorporate certain towns therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Salem, in the county of Columbiana, and so much of the township of Green, in the county of Mahoning, as is included in the following boundaries, to wit: beginning at the east end of Market street on the Mahoning side in the centre of the street, opposite the east boundary of lot number five; thence north to the pond; thence along the water edge to the northeast corner of lot number sixteen; thence across East street and up North street to the southeast corner of school house; thence north to the northeast corner of the lot of the Methodist Episcopal Church; thence west to the northwest corner of the same; thence south to lot number thirty-eight; thence west to the northwest corner of the same; thence south to lot number thirty-four; thence west to the northwest corner of James Roller's out-lot; thence south to the county line, being the centre of Market street; thence east along the county line to the northwest corner of lot number forty; thence south to the southwest corner of the same; thence east to the northwest corner of lot number twenty-six; thence south to the southwest corner of lot number twenty-five; thence east to the southeast corner of the same; thence south to the southwest corner of the Academy lot; thence east to the southeast corner of the same; thence north to the northeast corner of the same; thence east across East street to the southwest corner of lot number eighteen; thence east to the southeast corner of the same; thence north to the southwest corner of lot number eight; thence north to the centre of Market street; thence east along the county line to the place of beginning, is hereby created a town corporate, to be known and designated by the name of Washingtonville, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 2. That so much of the township of Mohican, in the county of Ashland, as is comprised and designated in the plat of the town of Jeromeville, together with such plats as have been or hereafter may be recorded as additions thereto, be and the same is hereby created a town corporate and shall hereafter be known and designated by the name and title of the town of Jeromeville, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 3. That so much of the township of Rumley, in Harrison county, as is contained in the town plat of the in and outlots of the town of New Rumley and its Western Liberties, be and the same is hereby created a town corporate, and shall hereafter be known and designated by the name and title of the town of New Rumley, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 4. That so much of the township of Butler, in the county of Darke, as is contained in the following boundaries, viz: commencing at the southeast corner of the town of New Carlisle, on the Lewisburg road, and running north with the meanders of Twin creek to a parallel line opposite the established line between Jackson Ellis and John Biddleon; thence west from said line twenty rods; thence south on a straight line to a point parallel with the south corner of lot number twenty-one; thence east to the

point of beginning, be and the same is hereby created a town corporate, to be known and designated by the name of New Castine, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 5. That so much of the township of Adams, in the county of Darke, as is contained in the following boundaries, viz: commencing on the south shore of Greenville creek, at the range line between ranges three and four, and township nine and ten, to run north on said range line twenty-six rods north of the turnpike leading from Greenville to Troy; thence west, parallel with said turnpike, to the dividing section line of section twenty-five, town ten, range three; thence south to the northeast corner of the lot on which is erected the Presbyterian church; thence west, on the north line of said church lot, to the northwest corner thereof; thence south, on the west line of said lot and west line of the lot south of said Presbyterian church bounding on the turnpike to said turnpike; thence east on said pike to the dividing section line above stated; thence south on said section line to the south shore of Greenville creek; thence east along said south shore to the place of beginning, be and the same is hereby created a town corporate, to be known and designated by the name of the town of Gettysburg, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 6. That so much of the township of Jackson, in the county of Crawford, as is comprehended in the recorded plat of the town of Leesville, together with such plats as have been or may hereafter be recorded as additions thereto, be and the same is hereby created and constituted a town corporate by the name of the town of Leesville, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 7. That so much of the township of Euclid, in Cuyahoga county, as is included within the following boundaries, viz: beginning in the centre of the road leading from Cleveland to Willoughby, sixty rods east of the Nine Mile creek, in the township of Euclid; thence northerly half a mile to a monument; thence westwardly parallel with said road one and a half miles to a monument; thence southerly at right angles with said road one mile to a monument; thence eastwardly parallel with said road one and a half miles to a monument; thence northerly half a mile to the place of beginning, be and the same is hereby created a town corporate, to be known and designated by the name of the village of Euclid, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 8. That so much of the township of Brown, in the county of Miami, as is included in the recorded plat of Fletcher, or that may hereafter be included in the town plat of said town, is hereby created a town corporate, to be known and designated by the name of the town of Fletcher, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 9. That so much of the township of Warren, in the county of Tuscarawas, as may be included within a square of one hundred and sixty rods, the centre of which square shall be the centre of the plat of the present town of New Cumberland, in said county, is hereby created a town corporate, to be known and designated by the name of the town of New Cumberland, and by that name shall be a body corporate and politic with perpetual succession.



SEC. 10. That so much of the township of Lewis, in the county of Brown, as is included within the recorded plat of the town of Higginsport, and such additions as may hereafter be made to said town, is hereby created a town corporate, by the name and style of the town of Higginsport, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 11. That so much of the township of Springcreek, of Miami county, as is included in the recorded plat of the town of Huntersville, or that may hereafter be included in the town plat of said town, is hereby created a town corporate, to be known and designated by the name of the town of Huntersville, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 12. That so much of the township of Crane, in the county of Wyandott, as is included in the recorded plat of the town of Upper Sandusky, or that may hereafter be included in the plat of said town, is hereby created a town corporate, to be known and designated by the name of the town of Upper Sandusky, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 13. That so much of the township of Union, in the county of Fayette, as is included in the recorded plat of the town of Washington, is hereby created and declared a town corporate by the name of the town of Washington, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 14. That the act to incorporate the town of Washington, in the county of Fayette, passed March second, one thousand eight hundred and thirty-one, be and the same is hereby repealed: provided, that the said town of Washington is not hereby released from any debts contracted, liabilities incurred, or contracts made under the act to incorporate the same hereby repealed, but shall be held bound by the same; and no suit heretofore brought by or against said town as by that act incorporated shall abate, but the same may be prosecuted against said town as hereby incorporated.

SEC. 15. That so much of the township of St. Albans, in the county of Licking, as is included in the town plat of the town of Alexandria, or that may hereafter be included in recorded plats of said town, be and the same is hereby created a town corporate, to be known and designated by the name of the town of Alexandria, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 16. That the corporation elections of said town of Alexandria be held on the second Monday of April in each year; the polls of elections to be opened at two o'clock P. M., and closed at four o'clock P. M., any thing in the act hereafter referred to, to the contrary notwithstanding.

SEC. 17. That so much of the township of Harrison, in the county of Darke, as is included within the original town plat and additions thereto of the town of New Madison, be and the same is hereby declared to be a town corporate by the name of the town of New Madison.

SEC. 18. That so much of the townships of Ridge and Pleasant in the county of Vanwert, as is contained in the town plat of the town of Vanwert, and the following described territory in said township, to wit: commencing at the southeast corner of the east addition to the town of Vanwert, running thence north on the east line of said addition to the section

line between sections seven and eighteen, in Ridge township; thence west on said section line to the township line between Ridge and Pleasant townships; thence south on said township line to the corner of sections twelve and thirteen, in Pleasant township; thence west on said section line to the northwest corner of section thirteen; thence south on the section line between sections thirteen and fourteen to the quarter post on said line; thence east through the centre of section thirteen to the township line between Ridge and Pleasant townships; thence to the southwest corner of a tract of land owned by William I. Thomas; thence east along the north line of said Thomas' land to the place of beginning, be and the same is hereby created a body politic and corporate by the name of the town of Vanwert, and by that name shall be a body corporate and politic with perpetual succession.

SEC. 19. That so much of the township of Waterford, in the county of Washington, as is comprised within the following boundaries, to wit: beginning at the Beverly dam in the middle of Muskingum river; thence down the river to the southeast corner of the parsonage residence lot, belonging to the Cumberland church at Beverly; thence north to the northeast corner of the college lot on which the college building stands; thence northwest to the place of beginning, is hereby created a town corporate, to be known and designated by the name of the town of Beverly, and by that name shall be a body corporate and politic with perpetual succession; but all lands, town and out-lots within said boundary not recorded as town lots shall be exempt from taxation for corporation purposes, until the same be laid out and recorded as town lots.

SEC. 20. That the aforesaid incorporated towns hereinbefore named in this act, shall be entitled to all the privileges, and be subject to all the restrictions of the act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty-nine, and the acts amendatory thereto.

SEC. 21. This act shall take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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#### AN ACT

To incorporate the Cleveland, Painesville and Ashtabula Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John W. Allen, John B. Waring, Charles Hickox, and Sergeant Currier, of Cuyahoga county; Lord Sterling, O. A. Crary, E. T. Wilder, Aaron Wilcox, D. R. Paige, P. P. Sanford, Wm. W. Branch, of Lake county; Asaph Turner, George G. Gillet, Edwin Harmon, Frederick Carlisle, Robert Lyon, and Zaphno Lake, of Ashtabula county, are hereby

created a body corporate with perpetual succession, by the name of the Cleveland, Painesville and Ashtabula Railroad Company, with authority to construct a railroad from the city of Cleveland, in Cuyahoga county, by the way of Painesville, in Lake county, through Ashtabula county, to some point on the Pennsylvania State line, in said county of Ashtabula, with power to connect with any railroad incorporated by the State of Pennsylvania, and to continue their road into the State of Pennsylvania to any point authorized by the General Assembly of said State.

SEC. 2. The capital stock of said company may consist of any amount not exceeding fifteen hundred thousand dollars.

SEC. 3. Said company shall have all the powers and be subject to all the restrictions and provisions of the act "regulating railroad companies," passed February eleventh, one thousand eight hundred and forty-eight.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 18, 1848.

#### AN ACT

For the support and better regulation of Common Schools in the town of Lithopolis, Fairfield county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the electors of the town of Lithopolis, in the county of Fairfield, and so much of the township of Bloom as lies adjacent to said town, and which, with said town, now constitute or may hereafter constitute one school district and who are qualified to vote for school directors, shall, at the time and place that shall be named by the town council of Lithopolis, in the year eighteen hundred and forty-eight, meet and elect three directors for the common schools for said school district; one of whom shall serve for one year, one for two years, and one for three years, the order of seniority to be determined by lot by such directors after the election; and annually thereafter, at the time and place above specified, there shall, in like manner be, one director elected, who shall serve for three years and until their successors are elected and qualified.

SEC. 2. The said directors within ten days after their first appointment as aforesaid, shall meet and organize, by choosing from their number a president, secretary and treasurer; and such treasurer, before he enters upon the duties of his said office, shall give bond and security to be approved by the town council of said Lithopolis, and filed in the office of the mayor of said town, conditioned for the faithful disbursement of all moneys that shall come into his hands as such treasurer, which bond shall be made payable to the State of Ohio; and when such bond shall be forfeited, it shall be the duty of the said town council to sue and collect the same for the use of the common schools in said school district.

SEC. 3. The said directors are hereby authorized to borrow from any person or persons any sum not exceeding fifteen hundred dollars, for the erection of a school house or school houses and for school purposes in said district; and in case any person or persons may thus loan to said directors any sum or sums amounting in the aggregate to one thousand dollars, for the purposes aforesaid, such person or persons may choose three directors of said school district, who shall act in connection with, and have like powers and perform like duties in all matters relating to the common schools in said district, with the directors provided for in the first section of this act; and said six directors so organized and qualified, and their successors in office, shall be a body politic and corporate, in law, by the name of the "Board of Education of the Lithopolis School District," and as such, and by such name, shall be authorized to receive all moneys accruing to said school district, or any part thereof, for the use and benefit of the common schools in said district; and the said board shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law or equity in this State; and shall also be capable of receiving any gift, grant, donation or devise, made for the use of the common schools in said district; and said board by resolution shall direct the payment of all moneys that shall come into the hands of said treasurer; and no money shall be paid out of the treasury except in pursuance of such resolution, and on the written order of the president, countersigned by the secretary: provided, that nothing herein contained shall be so construed as to authorize said board of education to pay any interest on the loan or loans of money to be made as aforesaid; nor to prevent said persons who may so loan said money, to determine as to the length of time the directors chosen by them shall hold their said offices, nor to prevent said persons from filling all vacancies that may occur from time to time by the resignation or otherwise of the directors chosen by them.

SEC. 4. That said board shall hold their meetings at such time and place as they may think proper; that any four of said board shall constitute a quorum; that special meetings may be called by the president, or by any two members of the board, on giving two days' notice of the time and place of holding such meetings; but at no special meeting, except all the directors be present, shall any resolution in relation to sites for school houses or financial resolution or order be passed, unless the two days' notice as aforesaid be given, and the subject or subjects to be acted on be specified in the notice, and a quorum of at least four members be present.

SEC. 5. The said board of education shall have the entire management and control of all the common schools in said school district, and of all the houses, lands and appurtenances already provided and set apart for the same purposes; and all moneys accruing to said district for school purposes, under any law of the State, shall be paid over to the treasurer of said board of education.

SEC. 6. The said board shall establish in said district, one high school, in which instruction shall be given in various branches usually taught in academies, subject to the limitation of said board; and it shall be the duty of said board to establish in said district, such other schools as they may deem proper: provided, however, that said board shall not make any rules which will exclude from said school or schools any scholar, who, by the

general laws of the State, would be entitled to admission into the common schools within said district.

SEC. 7. That said board of education shall have power to make and enforce all necessary rules and regulations for the government of teachers and pupils in said school or schools; to employ teachers (male and female) and pay them a suitable compensation; to purchase all necessary books and apparatus; to select sites for school houses, build and superintend the building of the same upon their own plan; and to pay for the lands and houses and furniture, as well as other expenses of said school system, from any moneys in the hands of the treasurer; and the remainder of all the expenses of said school system, after appropriating all the moneys coming to the hands of the treasurer by the general laws of the State or otherwise, shall be defrayed by tax on all the taxable property in said district; and the said board of education shall annually estimate the amount necessary to be raised by such tax, and transmit the same to the auditor of said county, who shall levy a tax for such amount of money on all the taxable property in said district, and cause the same to be collected in the same manner as township taxes are by law collected; and the same shall be paid over to the treasurer of said board of education, and said board of education shall, annually, between the first and fifteenth of December, report in writing to the secretary of State an account of their official proceedings for the preceding year, showing the amount of school funds apportioned and raised in the district, and how they have been expended; how many schools have been taught, for what time, and the amount of salaries paid to teachers; the number of pupils in the schools of each sex, and the average daily attendance; the number of teachers, male and female, and the amount paid to each; the branches of study taught in the schools; the amount raised by tax for purchasing buildings, repairing school houses or for any other purpose, with an account of all the disbursements and all other information embracing the condition of education in said district, which may be deemed advantageous.

SEC. 8. All legal titles to lands and houses and other property used for common school purposes in said district, shall vest in the said board of education at the taking effect of this act, and all titles hereafter shall be in the name of said board of education; and said board shall have power to sell, lease and convey any and all of the lands and tenements held under and by virtue of this act; and to purchase all other lands and tenements in more eligible positions, according to their discretion.

SEC. 9. So much of the general school law, and so much of any and all other laws of this State, general or local, as may be inconsistent with this act, or any of its provisions, is hereby repealed, as to said school district.

SEC. 10. Any future legislature may alter, amend or repeal this act.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 13, 1848.

## AN ACT

To incorporate the Medina Academy, Medina county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Stephen N. Sargeant, William H. Canfield, Samuel Humphreville, Charles Castle, U. N. Peak, Hiram Bronson, John Albro, J. T. Ainsworth, Isaac W. Babcock, William P. Clark, Harrison G. Blake, John L. Clark, Thomas Rowe and William Granville, and such as may associate with them, be and they are hereby created a body corporate and politic by the name of the Medina Academy, to be located in Medina, Medina county, Ohio; and, as such, shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, in any action or proceeding at law or in chancery, in any court of justice; and, also, to have a common corporate seal; and with power to acquire, possess and enjoy, and to sell, convey and dispose of property, real, personal or mixed: Provided, that the avails of such property shall not be diverted from or appropriated to any other than educational purposes in said academy.

SEC. 2. That said corporation shall have power to form a constitution and adopt bylaws for its government, to prescribe the number and titles of its officers, and define their powers and duties; to prescribe the manner in which members may be admitted and dismissed, and all other powers necessary to the efficient management of its corporate concerns: Provided, that the constitution, bylaws and regulation of the corporation, be consistent with the constitution and laws of the United States and of this State: and provided, further, the capital stock of said incorporation shall not exceed twenty thousand dollars, to be distributed in shares not exceeding twenty dollars each.

SEC. 3. That said corporation shall be organized at any time, by posting written or printed notices in at least four of the most public places within the incorporated limits of the village of Medina, in Medina county, calling a meeting of the persons named in this act, signed by any two of said persons, at least ten days previous to said meeting; and, at said meeting, it shall be lawful for any five of said persons to organize and accept the provisions of this act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## AN ACT

To authorize the sale of section sixteen, in Fox township, Carroll county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section sixteen, in Fox township, Carroll county, be and the same is hereby authorized to be sold: Provided, that no part thereof be sold for less than the appraised value thereof; and that such sales shall, in

all respects, be governed by the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three, and of the "act to fix the minimum price for the sale of school lands," passed March fourth, one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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#### AN ACT

To authorize the commissioners of Henry county to restore certain free turnpike roads in said county, and to authorize commissioners to lay out and establish a State road in the counties of Lawrence and Scioto, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Henry county shall have power, at any regular session of said commissioners, to rescind and set aside any order or resolution heretofore made by them, under the authority of the act entitled "an act to authorize the county commissioners of this State to lay out and establish State roads," passed February twenty-seven, one thousand eight hundred and forty-six, declaring certain free turnpike roads therein named to be State roads.

SEC. 2. That in all cases where the commissioners of said county shall revive any free turnpike road under the provisions of the preceding section of this act, they shall have power, and are hereby authorized and required, immediately to appoint three commissioners on each of said roads, residing in the vicinity of the same, who shall be governed, in all respects, by the laws now in force relating to free turnpikes.

SEC. 3. That William L. Boynton, of the county of Scioto; James Rodgers and Elisha Mayhew, of the county of Lawrence, be and they are hereby appointed commissioners to locate and establish a State road, commencing at or near Haverhill, in the county of Scioto; thence, following the high ridge, to Benjamin Lock's, in the county of Lawrence; thence, to intersect the county road at the foot of the hill, at Darby Kelly's lower line; thence, up along the base of the hill, to the hanging rock; thence to Coal Grove, in said county of Lawrence, by the best and most practicable route.

SEC. 4. The said commissioners shall have power to vacate the State road leading from Haverhill, in said county of Scioto, to Coal Grove, in said county of Lawrence, or so much thereof as they may deem proper, by filing a written statement setting forth the part or parts of said road so vacated, in the office of the auditor of the proper county in which said part of the road so vacated is situate.

SEC. 5. That James Dickey, of Athens county; John H. Livezy, of Morgan county; and John Marshall, of Washington county, be and the same are hereby appointed commissioners to lay out and establish a graded State road in the counties of Athens, Washington and Morgan, as follows, viz: Commencing at or near Hill's wood yard, on the Ohio river, in Athens county; thence, the nearest and best route, to the cross-roads by Alexander McGin's; thence to or near Philip Shrader's, and on to the forks of the road by Heald's farm; thence, the nearest and best route, to Chesterfield, in Morgan county; thence, the nearest and best route, to Pennsville; thence, the nearest and best route, to McConnelsville, in Morgan county.

SEC. 6. That the above mentioned commissioners, named in the above section, be governed, in all respects, by the laws now in force for laying out and establishing State roads: Provided, that the grade of said road shall not exceed an angle of five degrees.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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#### AN ACT

To authorize the directors of school district number three, in Montgomery township, Ashland county, to sell the school house and lot of said district.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the directors of school district number three, of Montgomery township, Ashland county, and State of Ohio, be and are hereby authorized and required to sell, by public auction, to the highest and best bidder, after thirty days' previous notice of the time and place of sale having been given, the school house, and lot number fifty-four, situated in the town of Ashland, in said county, and belonging to said district; and to make a deed in fee simple to the purchaser or purchasers for the same.

SEC. 2. That the money arising from the sale of said school house and lot shall be appropriated or expended in such a manner, or for such object or objects, as a majority of the voters of said district shall determine, by a public meeting to be held in some suitable place within said district: Provided, that twenty days' previous notice shall be given, by advertisement in the newspapers published in said county, of the time and place of holding such meeting.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.



## AN ACT

To authorize the county commissioners of Coshocton and other counties to subscribe to the capital stock of railroad companies.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Coshocton, Portage, Richland, Cuyahoga and Ashland counties, be and they are hereby respectively authorized and required to subscribe to the capital stock of any railroad that may be hereafter constructed, or that now is in progress of being constructed in their respective counties, any sum not exceeding one hundred thousand dollars each: Provided, the assent of the people of said counties, respectively, be obtained in the manner hereinafter provided. The stock, so subscribed by the respective counties, may be voted at all meetings of the company, by the proxies of the commissioners of the respective counties.

SEC. 2. That, for the payment of said stock, the commissioners of said counties, respectively, are hereby authorized to borrow money at a rate of interest not exceeding six per centum per annum, and to pledge the faith of their respective counties for the annual payment of the interest and ultimate redemption of the principal; or, if said commissioners should deem it most advisable, they are hereby empowered to pay for such subscription or purchase in bonds of the county, to be drawn for that purpose in sums of not less than one hundred dollars, bearing an interest not exceeding six per centum per annum: Provided, no bond shall be paid out at less than its par value.

SEC. 3. No such subscription shall be made unless a majority of the qualified voters of said counties, respectively, voting for or against such subscription, shall vote for the same; and the commissioners of said counties shall give at least thirty days' notice, in a newspaper of general circulation in their respective counties, to the qualified electors of such county, requiring said electors to vote, at the annual spring or fall elections, for or against said subscription, specifying in such notice the amount proposed to be subscribed; and the opinion of said electors shall be expressed, on their ballots, "for subscription" or "against subscription," and counted and returned by the judges and clerks of elections, as in other cases; and if a majority of all the ballots cast at such election shall be indorsed "for subscription," then the subscription may be made, but not otherwise: Provided, that nothing in this act contained shall be construed to compel such commissioners to take the requisite measures for submitting the question of subscription or no subscription to the voters of such counties, unless they shall deem it expedient so to do.

SEC. 4. That said commissioners, respectively, shall levy and collect, annually, such taxes as, together with the tolls arising from the said stock in said road, will pay the interest of such loan, and other incidental charges and liabilities connected therewith; and shall have power to dispose of the said stock on such terms and at such times, after the construction of such road in or through such county, as shall be deemed expedient and for the best interests of the county.

SEC. 5. That the town of Mansfield, in Richland county, and the town of Ashland, in Ashland county, are hereby respectively authorized to subscribe to the capital stock of any railroad company or companies that now is or hereafter may be chartered for the purpose of constructing a railroad

from, to, or through said town of Mansfield, or said town of Ashland, any amount which shall not exceed, in the aggregate, the sum of fifty thousand dollars.

SEC. 6. That the stock, so subscribed by either of said towns, shall be applied to the construction of any road within twenty-five miles of the town so subscribing.

SEC. 7. That for the payment of said stock the said towns are respectively hereby authorized to borrow money, at a rate of interest not exceeding six per centum per annum, and to pledge the faith of the town for the annual payment of the interest and ultimate redemption of the principal; or, if the town authorities of said towns, respectively, should deem it most advisable, they are hereby empowered to pay such subscription in bonds to be drawn for that purpose, bearing interest not exceeding the rate of six per centum per annum.

SEC. 8. That said towns, respectively, shall keep an accurate register of all bonds or obligations issued under the provisions of this act, showing the dates, numbers and amount thereof, and to whom and when payable; and there shall, moreover, be kept in the office of the town recorder, such books and entries as shall fully show all liabilities, receipts and disbursements, and the precise state of indebtedness of said towns, respectively, in any way arising under this act.

SEC. 9. That the town councils of said towns, respectively, may appoint an agent or proxy to vote and act for said town at all meetings of the stockholders of such companies as the town may be a stockholder in; and said town council may empower such agent, or other person or persons, to perform such services, under the provisions of this act, as the town council of the town shall be of opinion can better be performed by such agent than by said town council.

SEC. 10. That before any stock shall be subscribed to any railroad under this act, by either of said towns, the question shall be submitted to the qualified electors of said towns, respectively, whether the town shall become a subscriber, as provided in section five of this act; and, to this end, it is further provided, that, upon the written application of fifty or more citizens of the town to the town council thereof, it shall be the duty of the mayor of the town to give notice, by advertisement in all the newspapers published in such town, for at least ten days, that such election shall be held, setting forth the time, place and manner; and such election may be held for that special purpose, or the question may be decided at any election already provided for by law, as the town council may deem best. The returns of said elections shall be made, in all respects, as provided for other town elections; and if it appear that a majority of the votes given shall be in favor of such subscription, the same shall be made, and not otherwise.

SEC. 11. That the act incorporating the Hillsboro' and Cincinnati Railroad Company be and the same is hereby so amended as to allow the company to commence operations, in the construction of said road, after one hundred thousand dollars shall have been subscribed, instead of one hundred and fifty thousand dollars, as now required by the charter.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 13, 1848.

## AN ACT

To authorize an increase of the capital stock of the Mansfield and Sandusky City Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the stockholders of the Mansfield and Sandusky City Railroad Company, at any regular meeting, may increase the capital stock of said corporation, by a vote of the holders of a majority of such stock, to the sum of nine hundred thousand dollars, to enable said company to reconstruct said road with heavy iron, to provide depot accommodations, workshops, cars, machinery, and for such other purposes as said meeting may determine.

SEC. 2. That whenever the stockholders of said corporation shall vote such increase of stock, pursuant to the first section of this act, books shall be opened for subscription to the same, under the direction of the board of directors.

SEC. 3. That said company shall report its condition, and all matters and things touching its condition, management, rules and regulations, that may be required by the General Assembly or the auditor of State; and said company shall make such reports annually to the auditor of State, at the time required by said officer, and at such other times as the General Assembly may require.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

## AN ACT

In relation to the "Urbana, Troy, and Greenville Turnpike Road Company."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That in order to secure the early completion of the Urbana, Troy, and Greenville Turnpike Road Company, it shall be lawful for the directors of said company or a majority of them, and they are hereby fully authorized to divide the said road into the following sections, to wit: Section one, from Greenville to Covington; section two, from Covington to Troy; and section three, from Troy to Urbana: a meeting of the stockholders of said company may be called at any time, on giving twenty days' notice thereof, by publication in the Western Citizen, for the purpose of reorganizing said company by the appointment of directors: provided, that the approbation and consent of the board of public works shall be obtained, before any such division shall be made.

SEC. 2. The said directors are hereby authorized to surrender any section of said road, on the organization of a new company for the completion thereof, in the manner provided for in this act.

SEC. 3. For the purpose of completing the construction of section one of said road, (namely, from Greenville, in Darke county, to Covington, in

Miami county,) John C. Potter, Charles Hutchin, William Martin junior, Alexander Horner, James Auld, and Jacob B. Hershey, of Darke county ; and George C. Defrees, Andrew Diltz, David Croft, and Robert Greenlee, of Miami county, their associates and successors, be and they are hereby created a body corporate and politic, in law, by the name of "The Greenville and Covington Turnpike Road Company," and for that purpose shall be capable of taking and holding capital stock to any amount which may be necessary to complete the construction, and keep in repair the said section of the original turnpike road company ; and shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the "act to provide for the regulation of turnpike companies," passed the seventh of January, one thousand eight hundred and seventeen, and the several acts amendatory thereto now in force, except in so far as the same was modified or changed by the act incorporating the said Urbana, Troy and Greenville Turnpike Road Company, or may be modified or changed by the provisions of this act.

SEC. 4. The capital stock of said Greenville and Covington Turnpike Road Company, shall be divided into shares of twenty-five dollars each, and the above named commissioners, or any five of them, shall meet at such time and place as they may appoint, after the passage of this act, and proceed to organize the said company, and to make the necessary arrangements for the opening of books for the subscription of stock to said company : provided, however, that should more stock be subscribed than shall be sufficient to complete said Greenville and Covington section of said original road, the preference shall be given to those who may be at present stockholders in the said Urbana, Troy and Greenville Turnpike Road Company.

SEC. 5. That said Greenville and Covington Turnpike Road Company shall have full authority by and with the consent of the directors of the said Urbana, Troy and Greenville Turnpike Road Company, to take possession of said section from Greenville to Covington, and fully control the same : provided, that so soon as the net amount of tolls, over and above the necessary repairs and expenses, received upon said section, shall reimburse to the stockholders of the new company the cost of completing said section, with seven per cent. interest thereon, then and in such case the said section of said road, and the possession and ownership thereof shall revert to the State of Ohio, and the stockholders of said Urbana, Troy and Greenville Turnpike Road Company.

SEC. 6. Whenever five continuous miles of said Greenville and Covington road shall be completed according to the provisions of this act, the said Greenville and Covington Turnpike Road Company may erect a gate or gates thereon, and receive toll according to the provisions of the charter of said Urbana, Troy and Greenville Turnpike Road Company : provided, that said new company shall not reduce the rates of toll below the amounts prescribed by the board of public works.

SEC. 7. Unless the company hereby created shall complete the said Greenville and Covington section of said old road in three years from the passage of this act, the charter hereby created shall be considered forfeited.

SEC. 8. That for the purpose of completing the second section of said Urbana, Troy and Greenville Turnpike Road Company, namely: that part of said original road which is between Troy and Covington, in Miami county; John G. Telford, Henry N. Culbertson, Asa Mayo, John Sowers, William Farnestock, Amasa Stewart, Adam Marwick, and William Barbee, their associates and successors, be and they are hereby created a body corporate and politic, in law, by the name of the Troy and Covington Turnpike Company; and for that purpose shall be capable of taking and holding capital stock to any amount which may be necessary to complete said section, and to keep the same in repair, and shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the preceding section of this act, creating the Greenville and Covington Turnpike Road Company.

SEC. 9. That for the purpose of completing the third section of said Urbana, Troy and Greenville Turnpike Road Company, namely: that part of said original road which is between Troy and Urbana; John G. Telford, William Barbee, William I. Thomas, Daniel Knoop, Edward Marshall, and William Babb, of Miami county; N. B. McCua, N. B. Crist, J. C. Crosby, James Grafton, John L. Stephens, Andrew Wilson, Harvey Talbert, B. Robbins, William H. McFarland, and Joseph B. Eaker, of Champaign county, their associates and successors, be and they are hereby created a body corporate and politic, in law, by the name of the Troy and Urbana Turnpike Road Company; and for that purpose shall be capable of holding capital stock to any amount which may be necessary to complete said section, and to keep the same in repair, and shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the preceding sections of this act, creating the Greenville and Covington Turnpike Road Company: provided, however, that should the said Troy and Urbana Turnpike Road Company fail to complete the whole of said section within three years, their powers shall not be thereby forfeited.

SEC. 10. The affairs of said subordinate companies, shall each be directed by a board of not less than three, nor more than five directors.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 4, 1848.

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#### AN ACT

To incorporate "The Black River Navigation Company."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Heman Ely, Elijah DeWitt, E. W. Hubbard, Geo. R. Starr, Herrick Parker, H. K. Kendall, H. Ely, jr., Artemus Beebee, Luther D. Griswold, H. D. Clarke, and all other persons who shall become associated with them by subscribing to the capital stock of said company, be and they are hereby

constituted and declared a body corporate and politic, with perpetual succession, by the name and style of "The Black River Navigation Company," for the purpose of constructing a ship canal, or slackwater navigation, from the village of Elyria, in the county of Lorain, to some point at or near the head of steamboat navigation on Black river, and a tow-path on either or both sides of said river; and, for this purpose, the said company is hereby authorized and empowered to have and to receive, purchase, possess, enjoy and retain lands, rents, goods, chattels and effects of any kind, and to any amount necessary to carry into effect the object of the incorporation, and the same to use, sell, alien and dispose of at pleasure; to sue and be sued, defend and be defended, in all courts having competent jurisdiction; to have and to use a common seal, and the same to break, alter and renew at pleasure; to ordain and establish such rules, regulations and bylaws as may be necessary for the well-being of said corporation, subject, however, to the restrictions and limitations contained in this act.

SEC. 2. That the capital stock of said company shall be two hundred thousand dollars, which stock shall be divided into shares of fifty dollars each, and shall be transferable, in entire shares, in such manner as the rules of the corporation prescribe: Provided, that no stockholder, without the consent of the directors, shall be at liberty to transfer his stock, after any installment is ordered, until such stockholder shall have paid the amount due on his stock.

SEC. 3. That the persons named in the first section of this act, or, in case they should not all choose to serve, then any number of them not less than three, shall be commissioners to receive subscriptions, and to do and perform all necessary acts to organize the company; and they are hereby authorized and empowered to cause books to be opened at such times, and in such places, as a majority of them shall think proper, to receive subscriptions to constitute the capital stock of said company. The commissioners may, if they think proper, require ten per centum of the amount of each subscription to be paid at the time it is subscribed; and each subscriber shall be bound to pay, from time to time, such installments on his stock as the directors may lawfully require.

SEC. 4. That, when three hundred shares are subscribed, the commissioners shall call a meeting of the subscribers, by causing notice of the time and place of such meeting to be published in some newspaper, in general circulation in the places in which the books shall have been opened and the stock subscribed, for thirty days next preceding such time of meeting; and on such notice being given, the stockholders shall meet at the time and place appointed, and, when so assembled, the stockholders and proxies present may proceed to elect directors, and adopt such rules and regulations for the government of the corporation as are lawful and expedient. The stockholders may vote in person or by proxy; and for each share such stockholder may possess, he shall be entitled to one vote.

SEC. 5. That the affairs of the company shall be managed by five directors, or a majority of them, who shall be elected by the stockholders once in three years, unless a shorter period shall be ordained by the rules of the corporation; and each director shall be a stockholder at the time of his election, and shall cease to be a director if he ceases to be a stockholder.

**SEC. 6.** That the directors, so elected or appointed, shall, at their first meeting after said election, choose one person from their number, who shall serve as a president of the board for and during the term for which he has been elected a director. The president and directors, previous to entering on the duties of their office, shall severally take an oath or affirmation faithfully and impartially to discharge all duties appertaining to the said offices by virtue of the provisions of this act, or the rules of the corporation; they shall appoint a treasurer, and cause him to give bond, with security, conditioned for the faithful performance of all duties appertaining to said office; they shall determine the amount of any installments, and the time when they shall be paid; but no stockholder shall be required to pay any installment until after such order has been published in some newspaper in general circulation in said county of Lorain, at least sixty days before the time of payment; neither shall any stockholder be required to pay more than ten per centum on the amount of his stock at any one time, nor more than fifty per centum in any one year.

**SEC. 7.** That it shall be the treasurer's duty to keep the books of the corporation, to receive and collect from subscribers and others all moneys due the corporation, and, on proper vouchers being produced, to pay out the same; he shall, as often as required, exhibit to the directors an account of all sums of money by him so received and paid out, and also exhibit any amount that may remain in the treasury; and the books, accounts and vouchers kept by the treasurer, shall, at all times, be subject to the inspection of the stockholders.

**SEC. 8.** That it shall and may be lawful for said directors to enter upon and take possession of any lands, waters and streams, necessary to make said canal or slackwater navigation, or any of its appendages, such as feeders, locks, dykes, dams, reservoirs, basins, and other works, or to furnish a supply of water for the same, and to drain any marsh or swamp lands for said purpose into Black river at any convenient point, and also may take any stone, timber, gravel and earth necessary in the construction of said canal or slackwater navigation, or tow-path, or other works appertaining thereto, doing no unnecessary damage therein; and in case any of the property or rights above named shall not be given or granted to said corporation gratuitously by the proprietor or proprietors thereof, and if the said proprietor or proprietors and the directors of said company cannot agree as to the amount of damages or compensation that ought to be paid for the same, in that case it shall be lawful for either party to apply to any judge of the court of common pleas in the county where such property is situated, not a stockholder in said company, who shall appoint three disinterested freeholders to determine the amount of such damage or compensation. The party applying for the appointment of such persons shall give them notice of their appointment, and the persons so appointed shall forthwith give notice, in writing, to both parties, their agent or attorney, or advertise the same in some newspaper in general circulation in said county, of the time when and the place where they will enter upon the discharge of their duties; and it shall be the duty of the persons so appointed to attend at the time and place so specified in the notice, who, after being duly sworn or affirmed faithfully and impartially to discharge their appointed duties, shall proceed, on actual view, to make and estimate an appraisement of any

damages such individual owner or owners may sustain, taking into consideration the benefits which such proprietor or proprietors will derive from the location and making said canal or slackwater navigation and tow-paths, and shall make a certificate of such appraisement or appraisements, with a particular description of the premises when necessary, to which certificate they or a majority of them shall sign their names, and deliver to each party a copy, if requested; and immediately thereafter, if no damages are assessed, or on payment or tender of the money to the amount of damages assessed to the person or persons injured, his guardian, agent or attorney, the said directors may proceed to enter upon and occupy such lands, streams, waters, swamps or marshes, and a complete title to the premises, to the extent and for the purposes set forth in or contemplated by this act, shall be thereby vested and forever remain in said company and their successors; and also full right to enter upon and remove all such stone, timber, gravel and earth: Provided, however, that if either party shall consider himself or themselves aggrieved by the decision of the appraisers, so as aforesaid made, such party may apply to the supreme court, at their next session in said county, giving ten days' notice of such intention to the adverse party; and the said court, upon good cause shown, shall appoint three disinterested freeholders, who shall, after being duly qualified, proceed to view and appraise the damages, and shall certify their proceedings in the same manner as the former appraisers, and their decision shall be final and determinate; but the pendency of any such application to the court shall not, in the meantime, hinder the progress of the work.

SEC. 9. That it shall be the duty of the company hereby incorporated to cut, make and construct said canal or slackwater navigation of such width and depth, with locks of such length and dimensions, and also the tow-paths of such width and height, as will be most economical and convenient for navigation of sloops and steam vessels; and when the said canal or slackwater navigation and tow-path are so made and completed, said river and canal or slackwater navigation shall forever thereafter be taken to be and is hereby declared to be a public highway, free for the passage of vessels conveying goods, commodities and produce, on the payment of [such] tolls as the board of directors may establish from time to time.

SEC. 10. That for and in consideration of the expenses which said company will necessarily incur, in constructing said canal and slackwater navigation and tow-path, with the appurtenances thereof, and in improving and keeping the same in repair, the said canal or slackwater navigation, with all the appurtenances thereof, together with all tolls and profits arising therefrom, are hereby vested in said corporation, and the same shall be free from the payment of any tax, assessment or imposition whatever, unless the net profits arising therefrom shall be equal to the rate per centum now fixed by the tenth section of the act for levying taxes on all property in this State according to its true value, passed March second, one thousand eight hundred and forty-six, in relation to canals and slackwater navigation companies.

SEC. 11. That when the whole or any part of the canal, slackwater navigation or tow-path is completed, according to the true intent and meaning of this act, the president and directors shall have power, and it is hereby made their duty, to ordain and establish a rate of tolls which shall be paid



upon vessels, steamboats, rafts, and property of every kind and description passing on and making use of said canal, slackwater navigation or tow-path; and for the collection of said tolls, the president and directors shall appoint collectors, and establish tollhouses at all proper places, and may ask, demand and receive, on all boats, rafts and vessels, and other property passing or navigated on said canal or slackwater navigation, and using the tow-path on said river, such tolls as may be established agreeably to the provision of this act.

SEC. 12. That the president and directors shall, annually or semi-annually, declare and make a dividend of the net profits arising from tolls or from any other source, reserving such sum or sums as will defray the necessary current and probable contingent expenses; which dividend shall be paid or passed to the credit of the stockholders, severally, in proportion to the shares which each may hold in the stock of said company.

SEC. 13. That the company shall be entitled to the benefit of all laws which are or shall be in force for the collection of tolls, or for the protection of any canal constructed by this State, so far as such laws shall be necessary to ensure the good of said company.

SEC. 14. That in case said canal or slackwater navigation shall not be commenced within two years from the passage of this act, all privileges granted by this act shall be forever null and void.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 19, 1848.

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#### AN ACT

For the support and better regulation of Common Schools in the town of Lancaster, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the corporate limits of the town of Lancaster, Fairfield county, Ohio, be erected into one general common school district: provided, that if any of the districts of said town as now organized, shall, on the first Monday of April, A. D. one thousand eight hundred and forty-eight, at the place of holding the corporate election of said town, between the hours of ten A. M. and four P. M., of said day, by a majority of the resident voters therein, decide, by voting "nay," not to come into said general district, then and in that event this law shall in no manner apply to said district or districts, either in its benefits or burdens, and no taxes to be raised shall be levied upon the property in said district or districts, until said district or districts shall vote to come in as hereinafter provided for; the vote so taken by any district upon the day aforesaid, shall be by writing upon the ballot "aye" or "nay," and shall be certified to the town council, by the president and clerk of the meeting, to be appointed at the same: provided, further, that

any such district so voting not to come into said general district may, at any subsequent corporate election thereafter, by a majority of the resident voters therein voting "aye," in a separate box to be provided by the town council and under their direction, be admitted into said general district, upon condition of bearing her proportion of taxes originally raised for purchasing sites and erecting buildings, to be levied by special assessment by the council upon the property of said district, and also all taxes subsequent to her admission for keeping up the schools as hereinafter provided for ; and it is further provided that, if as last hereinbefore provided, any district shall vote to come into said general district, that then and in that event this law shall operate upon said district as to its benefits and burdens.

SEC. 2. That the electors in said town of Lancaster, excluding those resident in any district refusing to come in as aforesaid, qualified to vote for members of the town council, shall, at the time and place of holding the annual election for members of said town council, in the spring of one thousand eight hundred and forty-eight, (1848,) meet in their place of holding said election, and by votes in a separate box to be provided by the town council, elect six directors of common schools for the town of Lancaster, two of whom shall serve for a period of one year, two for two years, and two for three years ; the order of seniority to be determined by lot by such directors, after their election ; and annually thereafter, at the time and place above specified, there shall in like manner be two directors elected, who shall serve for three years, and until their successors are elected and qualified ; all vacancies which may occur shall be filled by the said town council.

SEC. 3. The said directors, within ten days after their first appointment as aforesaid, shall meet and organize by choosing from their number a president, secretary and treasurer ; and such treasurer, before entering on the duties of his said office, shall give bond and security to be approved by the said town council, and filed in the office of the president of said town council, conditioned for the faithful disbursement of all moneys that shall come into his hands as such treasurer, which bond shall be made payable to the State of Ohio ; and when such bond shall be forfeited, it shall be the duty of the said town council to sue and collect the same, for the use of common schools in said town ; and the said directors, so organized and qualified, and their successors in office, shall be a body politic and corporate, in law, by the name of the Board of Education of Lancaster ; and as such and by said name shall be authorized to receive all moneys accruing to said town, or any part thereof, for the use and benefit of the common schools in said town ; and the said board shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law or equity in this State ; and shall also be capable of receiving any gift, grant, donation or devise, made for the use of common schools in said town ; and said board by resolution shall direct the payment of all moneys that shall come into the hands of said treasurer ; and no money shall be paid out of the treasury, except in pursuance of such resolution, and on the written order of the president, countersigned by the secretary.

SEC. 4. That said board shall hold its meetings at such time and place as they may think proper ; that any four of said board shall constitute a

quorum; that special meetings may be called by the president, or by any two members of the board, on giving two days' notice of the time and place of holding such meetings; but at no special meeting, except all the directors be present, shall any resolution in relation to sites for school houses, or financial resolution or order be passed, unless ten days' notice as aforesaid be given, and the subject or subjects to be acted on be specified in the notice, and a quorum of at least four members be present.

SEC. 5. That at the annual election for town council in the spring of one thousand eight hundred and forty-eight, (A. D. 1848,) a vote shall be taken in a separate box to be provided by the town council, whether or not a tax shall be levied for the purpose of purchasing a lot or lots, and erecting a school house or school houses for the use of common schools in said town; and said vote shall be taken in the following manner: every voter, excluding those resident in any district refusing to come in as aforesaid, in favor of levying such tax, shall place on his ticket the word "tax;" and every voter qualified as aforesaid, who is against levying such tax, shall place on such ticket the words "no tax."

SEC. 6. That if there shall be a majority of all the votes given, at such election, in favor of levying such tax, the said board of education, within thirty days thereafter, shall report to the town council the number and description of lots and buildings necessary for the purposes of the common schools in said town; which report shall be in writing, and shall specify the amount of money necessary to be raised to meet the expense of purchasing said lots and erecting such building or buildings; and thereupon the said town council shall proceed to levy a tax sufficient to meet such expenses, the same to be levied and collected as other taxes of said town are or may be: provided that no part of such tax shall be levied upon the property of any black or mulatto person.

SEC. 7. That thereupon it shall be the duty of said town council, at the expense of said town, to furnish to said board of education, the amount of moneys so certified to them by said board, wherewith to purchase a suitable site or sites, and erect a suitable house or houses for the use of said schools; which purchase or purchases, and the erection of which building or buildings, shall immediately thereafter be proceeded with by said board.

SEC. 8. That if there shall not be a majority of all the votes given, at such election, in favor of levying such tax, then the said board, within thirty days' thereafter, shall report to the said town council, in writing, an estimate of the amount of rent for rooms necessary to accommodate the common schools in said town, and for fuel; and thereupon the said council shall every year levy a tax sufficient to cover said rent and fuel; the same to be levied and collected as other taxes of said town are or may be.

SEC. 9. The said town council shall cause twenty days' previous notice to be given of the time and place of taking said vote of "tax," or "no tax," which notice shall be published in one or more newspapers in said town; and if on the first trial a majority of all the votes given at such election should not be in favor of levying such tax, the same vote may be taken the next year, and so on from year to year, the same notice being given as aforesaid.

SEC. 10. It shall be the duty of the board of education to employ all necessary male and female teachers, to establish rules and regulations for

the government of both teachers and scholars, and to enforce the same by the removal of those teachers and the expulsion of those scholars who may violate the same; they shall keep said schools in constant operation except during reasonable vacations to be by them established; and should the public money be found insufficient for that purpose, the actual or prospective deficiency for the then current year shall be raised by taxation upon the property of said town; the amount necessary to be raised shall be decided upon by said board, and by them certified to said town council, who shall thereupon proceed to assess and collect the same as other taxes may or shall be, and shall pay the same over to the treasurer of said board, upon the order of the president thereof; and said board of education shall, between the first and fifteenth of December, annually, report in writing to the secretary of State, an account of their official proceedings for the preceding year, showing the amount of school funds apportioned and raised in the district, and how they have been expended; how many schools have been taught, for what time, and the amount of salaries paid to teachers; the number of teachers, male and female, and the amount paid to each, respectively; the number of pupils in the school of each sex, and their average daily attendance; the branches of study taught in the schools; the amount raised by tax for purchasing, building and repairing school houses, or for any other purpose, with an account of all the disbursements and all other information exhibiting the condition of education in said district which may be deemed advantageous.

SEC. 11. It shall be the duty of the board, by its secretary and treasurer, on or before the first Monday in April in every year, to make report, in writing, to the town council of all moneys received, how and for what purpose expended, with the proper vouchers, and such other information in relation to said school as they may deem important; also, such as may be asked for by the council; and the council shall cause such report to be published, or so much thereof as they may deem necessary, the report itself being left with the president of said council, open to public inspection.

SEC. 12. All legal titles to property acquired under this act, shall be in the name of the board of education of the town of Lancaster; and said board shall have power to lease any part thereof, and the building or buildings thereon; the rent accruing therefrom to go into the common school fund of said town; and said board shall have power to sell and convey any property, the title of which may or shall be vested in them by virtue of this act, and expend the money arising therefrom in the purchase of other school property; the conveyance, by said board shall be made by the president and secretary, and acknowledged before some person authorized by the laws of this State to take the acknowledgment of deeds; and all real estate, whether held by equitable or legal titles, now belonging to any of the schools or school district in said town, is hereby vested in said board of education, and may by them be sold and conveyed as aforesaid, for the purposes aforesaid.

SEC. 13. Until such building or buildings as hereinbefore provided for shall be erected and completed, it shall be the duty of the board of education to rent suitable rooms for schools; and said board shall conduct said schools as hereinbefore provided; it shall be the duty of said board to

report to the council an estimate, yearly, of the probable expense of repairs and furniture of said rented rooms; and it shall be the duty of said council to cause the amount of such estimated expense, together with the rent, to be levied and collected as hereinbefore provided, with the other taxes of the town, to be paid over to the treasurer of said board upon the order of the president thereof; and it shall be the duty of the board to report to the council, as is already provided in this act in other cases, the manner in which the same has been expended.

SEC. 14. The town council shall, immediately after the election of directors as hereinbefore provided for, appoint three persons to serve as school examiners of said town, all of whom shall be citizens of Lancaster; one to serve till the first Monday in April, one thousand eight hundred and forty-nine; one till the first Monday in April, one thousand eight hundred and fifty; and one till the first Monday in April, one thousand eight hundred and fifty-one, and till their successors are qualified; and annually at the first regular meeting of the town council, after the annual election for members of that body, they shall appoint one person for examiner, to serve for three years and till his successor is qualified; and the council shall fill all vacancies that may occur by death, removal or otherwise; the examiners, or any two of them, shall examine such person or persons as may apply for that purpose, and if they find the applicant qualified, they shall give him a certificate, naming the branches he is qualified to teach; that they have carefully inquired into his character and believe it to be moral and good; that they believe him well qualified to govern and teach: they shall also in every case where two concur, have power to annul any certificate previously given, and the person holding the same shall be discharged from the public schools; they shall always separately or otherwise, together with such other persons as may be appointed by the president of the town council, visit said school or schools, observe the discipline, mode of instruction, progress of the scholars, and such other circumstances as they may deem of interest; and semi-annually, at such times as the board of education shall appoint, they shall report their proceedings to the town council and to said board, with such suggestions as they may think proper, the publication of which shall be in the discretion of the town council.

SEC. 15. No member of the town council shall be competent to serve in said board of education, or as one of said school examiners.

SEC. 16. Annually, at such time as the board shall appoint, public examinations of the school or schools shall be had under the direction of the president of the town council, the board of education, and the examiners.

SEC. 17. Nothing in this act shall be construed to authorize said directors to establish schools for, or instruction in any other branches than those pertaining to a good English education.

SEC. 18. So much of the general school law and all other laws, general or special, as are inconsistent with this act, be and the same are hereby repealed, as to said town of Lancaster.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

## AN ACT

To incorporate the Ross County Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Ephraim Dresbach, Dumah Bartlett, Francis May, Aaron Jones, Samuel Haniger, Daniel Karshner, jr., and John Reedy, of Ross county, and their associates and successors, be and they are hereby created a body politic and corporate by the name and style of the Ross County Turnpike Road Company, for the purpose of constructing a macadamized turnpike road from Adelphi, through Hallsville, to intersect the Zanesville and Maysville Turnpike Road at some point most practicable between John Crouse's lower mill and the city of Chillicothe, in the county of Ross; and, by that name, they and their successors shall have perpetual succession, and all the privileges and immunities incident to a corporation; and shall be capable of holding capital stock to the amount of fifty thousand dollars, and the increase and profits thereof; and taking, purchasing and holding, to them, their successors and assigns, in fee simple, and for any less estate, any such lands, tenements, hereditaments and estates, real, personal or mixed, as shall be necessary for them in the prosecution of their work; and shall be capable of suing and being sued, pleading and being impleaded, and of doing all and every matter and thing that a corporation or body politic, created and established for like purposes, may lawfully do; and may have a common seal, and the same break, alter and renew at pleasure.

SEC. 2. That said company may enter upon any unimproved lands for the purpose of obtaining materials for the construction of said road, and may locate the same upon any other public road or way; and said company shall have all the powers and privileges, and be subject to all the restrictions of the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except so far as the same may be modified and changed by this act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

## AN ACT

To incorporate the Sunfish, Wills Creek and Muskingum Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Cornelius Okey, Joseph Morris, William C. Walton, Nathan Hollister, Samuel P. Jones, Jasper Mallory, William F. Booth, William F. Hunter, James Walton, sr., Albert G. Ewing, Joel Yost, Jacob Vernon, Elijah Hathaway, Samuel H. Round, William Okey, William Kent, John Kerr, Thomas

West, James R. Morris, David Kirkbride, Jeremiah Hollister, Thomas Weston, Thomas Cummings, Isaac Welch and Theodore Burghouse, of the county of Monroe, their associates [and] successors, are hereby created a body corporate, with perpetual succession, by the name of the Sunfish, Wills Creek and Muskingum Railroad Company, and shall have all the powers and be subject to all the restrictions and provisions of the act regulating railroad companies, passed February, one thousand eight hundred and forty-eight.

SEC. 2. That said corporation are hereby vested with the right and authority to construct a railroad, commencing on the Ohio river at or near a point in Monroe county, opposite the mouth of Fish creek, in Virginia; thence to the town of Clarington, in Monroe county; thence, by the way of the valley of Sunfish creek, to the town of Woodsfield, in said county of Monroe; thence, to continue by the way of the valley of Sunfish creek; thence, by the way of the valley of Wills creek; thence, by the way of the valley of Salt creek, to the town of Zanesville, in Muskingum county, or to any point on the Central Ohio Railroad, which the said directors may hereafter determine.

SEC. 3. That the capital stock of said company shall be eight hundred thousand dollars, and shall be divided into shares of fifty dollars each.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 19, 1848.

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#### AN ACT

To appoint Albert Morley trustee of Laura Calkins.

WHEREAS, one Laura Calkins, a femme sole, and resident of Cayuga county, in the State of New York, is now, and for more than fourteen years last past has been, hopelessly insane: and whereas, no guardian or committee has ever been appointed by the authorities of said State of New York to take charge of the estate of the said Laura: and whereas, by the decease, in the year eighteen hundred and thirty-nine, of her brother, Lewis Morley, and, in the year eighteen hundred and forty-seven, of her brother, Rufus Morley, both of Painesville, in Lake county, in this State, an estate amounting to about eight thousand dollars in value has descended to the said Laura, which estate consists partly of personal and partly of real property, most of which is in said Lake county, and is in common and undivided with the shares which fell to the other heirs of the said Lewis and Rufus: and whereas, it is highly desirable, as well for the interests of the said Laura as for the convenience of the other heirs aforesaid, that a partition and distribution of the property, so left as aforesaid, by the said Lewis and Rufus, among their rightful heirs; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Albert Morley, of Painesville, Lake county, Ohio, be and he is hereby constituted and appointed the legal trustee of the said Laura Calkins, for the purposes hereinafter named; that, before entering upon the discharge of his duties under said trust, said trustee shall execute and deliver a bond, with good and sufficient sureties, to be approved by the court of common pleas of said Lake county, in double the value of the estate which has so fallen, as aforesaid, to the said Laura, in consequence of the death of her said brothers, Lewis and Rufus, conditioned for the faithful performance of said trust, which bond shall be made payable to the State of Ohio, and shall be deposited in the office of the clerk of said court, for the benefit of the said Laura Calkins, her heirs and legal representatives.

SEC. 2. That said trustee shall have full power and authority, in connection with the distribution of said estates, to execute and deliver, in the name and on behalf of the said Laura Calkins, any release, deed of quitclaim, or other instrument, whether under seal or otherwise, which may be necessary in the premises, and the like instruments to receive on behalf of the said Laura, from her co-heirs or others, and to receive and take possession of said distributive shares of said estate, whether the same consist of personal or real estate, or both; and as such trustee, to settle, compromise, if he shall deem advisable, and collect in her name and on her behalf all demands, claims and liabilities which the said Laura, as such heir as aforesaid, may hold against others; and whatever real estate shall be aperted to the said Laura, the said trustee is hereby authorized to lease, or sell and convey, as he shall deem advisable, for the interest of the said Laura; and he is moreover authorized to manage and control the entire interests of the said Laura, so divided as aforesaid, in such manner as he shall deem advisable for her benefit.

SEC. 3. That said trustee shall report to said court, as often as once in twelve months, his proceedings in the premises; and shall pay over, from time to time, in such manner as said court may direct, any portion or all of the assets so by him received as aforesaid, for the support and comfortable maintenance of said Laura, after deducting such reasonable compensation for his services in the premises as the court may allow.

SEC. 4. That said court shall have power to remove said trustee for neglect of duty, or misconduct in the discharge of said trust; and in case of such removal, or of the non-acceptance of said trust by said trustee, or of his death or resignation, said court shall have power to appoint another in his place, who shall have the same powers and be governed by the same regulations as the one appointed by this act.

SEC. 5. That upon the death of said Laura Calkins, said real property remaining undisposed of shall vest directly in the legal heirs of the said Laura; and said trustee shall be compelled, upon demand, to account in the premises for the personal property that shall have come to his hands to the legal representatives of the said Laura.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 19, 1848.



## AN ACT

To authorize the sale of Section Sixteen in Crane township, Paulding county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section sixteen in Crane township, Paulding county, be and the same is hereby authorized to be sold: provided no part thereof shall be sold for less than two dollars and fifty cents per acre, or for the appraised value thereof; and that such sale shall, in all respects, except so far as they conflict with this act, be governed by the acts now in force regulating the sale of school lands.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

## AN ACT

To amend the "Act to incorporate and establish the city of Dayton."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the common council of the city of Dayton shall have power to lay out, open, widen, straighten, or extend any street, alley, or market space in said city, and to appropriate any real or personal estate for such purpose, whenever in the opinion of said common council, the public good and convenience may require: provided, that in no case shall private property be taken for any such purpose, until the compensation therefor shall be ascertained, in the manner hereinafter prescribed, and actually paid by said city to the owner or owners of said property; or if such owner or owners are not known, or are not found, so as to receive the same, then until money has been appropriated out of the treasury of said city to pay the same.

SEC. 2. That when the said common council shall, by ordinance as aforesaid, appropriate any private property for the purposes aforesaid, and the compensation therefor shall not be agreed upon with the party or parties interested in said property, the said common council shall give notice in writing to the owner or owners of such private property of such appropriation, and of the intention to apply to the court of common pleas of Montgomery county, for the appointment of commissioners to assess the damages sustained by said owner or owners, and of the term at which such application will be made; or if such owner or owners are unknown, or reside out of said city, then said notice may be given by publication in some newspaper published in said city, and of general circulation therein, and in the county of Montgomery; the said notice in writing shall be given at least twenty days, or by publication as aforesaid, for six consecutive weeks before the term of court at which such application is to be made; and after giving such notice, the said common council shall, in the name of the said

city, apply to the said court of common pleas of Montgomery county at the regular term thereof specified in said notice, for the appointment of commissioners to assess the damages sustained by such owner or owners of the property so appropriated as aforesaid; and said court shall thereupon appoint three judicious disinterested freeholders of said city, who shall, after being duly sworn faithfully and impartially to perform the duties required by this act, at such time as the court shall appoint, proceed to make actual views of the property appropriated, may hear testimony in the same manner as arbitrators or referees, and shall make a just estimate and appraisal of the loss or damage sustained by the said owner or owners thereof, over and above the benefit or advantage derived; and when such estimate and appraisal are made, shall report the same with all their proceedings to said court, if in session, forthwith, and if not in session, at the next term thereafter; and said estimate and appraisal so returned, shall be the measure of damages to be paid by the said city in such case, and said court shall render judgment therefor against said city, in favor of the said owner or owners, and for the costs of said proceeding: provided, that any person not the owner of, but having any estate or interest in said property, may apply to the said court, and have his or her damages assessed in the same proceeding, and a like judgment therefor; and his estate or interest shall be protected by said court: provided, further, that said court may, for sufficient cause shown, set aside said estimate and appraisal, and appoint three other commissioners, who shall take such proceedings, and whose award shall have the like effect as that of those first appointed.

SEC. 3. That the said commissioners shall be allowed, each one dollar per day, for his services in making the estimate and appraisal aforesaid, and the clerk shall make record of the proceedings and judgment of said court.

SEC. 4. That to provide for the payment of the interest, and the ultimate payment of the principal of the debt contracted by said city, for the purpose of constructing an embankment to protect a portion of said city against the water of the Miami river, and for the repair and further construction of said embankment, the common council of said city shall have power to levy and collect an annual special tax upon the real estate protected by said embankment, in addition to the general tax which they are authorized to levy in said city, not exceeding one-fourth of one per centum on the value of the same, as assessed, appraised and returned upon the grand levy of the State; said common council shall, on or before the first Monday of June in each year, designate what property shall be subjected to such special tax, and the per centum of tax to be levied thereon, and cause the same to be certified to the auditor of Montgomery county; and the said tax shall be assessed, levied and collected, and in the same manner as the taxes of said city are now by law assessed, levied and collected, and in the same manner paid over to the treasurer of said city; and the duties of the auditor and treasurer of Montgomery county, as to said special tax, shall be the same as are now required of them by law as to the general city tax of said city.

SEC. 5. That the money arising from said special tax shall be a separate fund in the treasury of said city, and shall be applied only to the purposes aforesaid.

SEC. 6. That for the better support of common schools in said city, the auditor of Montgomery county shall annually assess an increased per centum of tax for school purposes in the township of Dayton, over that now permitted by law to be assessed, which increase shall not exceed one mill upon the dollar of the valuation of the property in said township; but such increased per centum of tax shall not be assessed unless the common council of said city shall first in each year determine that the same shall be assessed, and what shall be the increased per centum so to be assessed, and report such determination to said auditor.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

#### AN ACT

To incorporate the Centre Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Benjamin Benson, Levi Chapman, George H. Camp, Minott Pierce, and Lemuel B. Pierce, of the county of Huron, and all other persons who may associate with them by subscribing to the capital stock of the company, be and they are hereby constituted and declared a body corporate and politic, under the name and style of the Centre Plank Road Company, with a capital stock not exceeding fifty-thousand dollars, in shares of fifty dollars, for the purpose of constructing a plank road from any point in the route of the Milan and Richland Plank Road, as located in Huron county, to such other point in Huron or Lorain county as they may deem proper; and for such purpose the provisions of the act to incorporate the "Milan and Richland Plank Road Company," passed January thirty-one, one thousand eight hundred and forty-five, so far as the same may be applicable, is hereby extended to this company; and this company is hereby subjected to the provisions of said act.

SEC. 2. The persons named in the first section of this act, or a majority of them, shall be commissioners to open books of subscription to constitute the capital stock of the company; the company may organize on a subscription of five thousand dollars.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

## AN ACT

To authorize the Commissioners of Cuyahoga county to levy a discriminating tax for the establishment and support of a poor house in said county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Cuyahoga county be and they are hereby authorized to purchase a suitable tract of land, and thereon to erect a poor house for said county; and for the purpose of defraying the expense of such purchase and erection, said commissioners are hereby authorized to divide the same into such number of annual installments as they shall deem expedient, and to levy such discriminating tax upon the property of the several townships of said county placed upon the county duplicate for taxation, for the payment of such installments respectively, that the tax thus levied upon each township shall bear the same ratio to the whole tax so levied, that the whole expense incurred by such township for poor purposes during the three years next preceding the first Monday in March, A. D. one thousand eight hundred and forty-eight bears to the whole expense incurred in all the townships of said county during the same period for poor purposes; and in cases where township limits have been changed during the period aforesaid by the erection of new townships, said commissioners shall make such an apportionment of such tax among the townships whose limits have thus been changed, and the new townships erected out of the same, as will be just and equitable, and in accordance with the principles upon which the tax authorized in this act is in other cases to be levied.

SEC. 2. That for the purpose of meeting the expenses of supporting said poor house, said commissioners are hereby authorized to levy an additional discriminating tax to defray the estimated expense of the first year after said poor house shall have been fitted for the reception of the poor, in the manner provided for levying the tax authorized in the first section of this act; and to defray the expenses of each succeeding year a discriminating tax shall be levied upon the property of the several townships placed upon the county duplicate for taxation, such that the tax so levied upon each township shall bear the same ratio to the whole tax so levied, that the average number of persons from such township supported in said poor house during the preceding year bears to the average number of all persons supported in said poor house during the same period; and all the taxes authorized by this act to be levied shall be collected and paid over in the same manner as other taxes.

SEC. 3. That the provisions of the act entitled "an act to authorize the establishment of poor houses," passed March eighth, one thousand eight hundred and thirty-one, and of the acts amendatory thereto, so far as the same do not conflict with the provisions of this act, shall be held applicable to the poor house hereby authorized to be established.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 19, 1848.

## AN ACT

To incorporate the Newtown College, Hamilton county.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That Joseph Jackson, Israel Brown, jr., David L. Burnet, Charles E. Harbeson, Warren Cary, Daniel Gano, James Todd, William Mount, P. F. Large, George Crawford, Alexander B. Luce, Israel Brown, sr., and their associates and successors, be and they are hereby constituted and made a body politic and corporate, with perpetual succession, by the name of Newtown College; and, by that name, may sue and be sued, plead and be impleaded, within all courts of law and equity; may have a common seal, the same to alter, change or renew at pleasure; and are hereby invested with all the powers and privileges necessary for the purpose of establishing and perpetuating a college for the education of young persons, to be located on lands deeded to said association for that purpose by D. S. Blunt, in Hamilton county, Ohio. Said corporation shall have power to acquire and hold so much real estate as may be necessary and convenient for carrying out the purposes of their creation; may enact bylaws for said college, which shall be consistent with the constitution of the United States and of this State; appoint all officers, professors and teachers, a treasurer and secretary; make all contracts, manage and superintend the affairs of the association, prescribe the course of studies, and attend examinations.

**SEC. 2.** The twelve persons above named shall constitute the first board of trustees, to continue as such until their successors are elected.

**SEC. 3.** The stock of said company shall be divided into shares of fifty dollars each, each share to entitle the owner thereof to one vote.

**SEC. 4.** The stockholders of said association shall meet at the site of the college, or in the vicinity, on the thirty-first day of March, one thousand eight hundred and forty-eight, and elect, by ballot, twelve of their number trustees, of whom the president of the college shall be the president, and of whom seven, including the presiding officer, shall constitute a quorum; the trustees shall have power to fill vacancies in their board, and shall be arranged in alphabetical order, and the six first upon the list shall vacate their office at the expiration of three years, but the other six shall serve six years, which shall be the term of office of those who shall be subsequently elected. The stockholders shall meet semi-annually, at such period as the president of the college may designate, to elect, by ballot, trustees to supply any vacancies in the board that may exist at that time, who, with all the other officers of the institution, shall serve till successors are appointed. It shall be lawful, at all elections, for the stockholders to vote by proxy, duly authorized in writing: Provided, that no one stockholder, or other person, shall vote more than fifteen shares at any one election. Said trustees shall meet, annually, on the day before commencement day, for the transaction of business.

**SEC. 5.** The object of this association shall be to direct and cultivate the minds of the students, thoroughly, in literary, classical and scientific studies for a regular course, and in studies suited to an academy of arts and sciences for an irregular course, and in whatever other studies the trustees may deem proper; and to the proficient in each of these departments, suitable diplomas shall be awarded. The usual power of conferring hon-

orary degrees shall be possessed by this college: Provided, that the power of conferring degrees shall not be exercised by said college until it shall have obtained property, either real or personal, to the amount of ten thousand dollars in value, to be estimated by three disinterested freeholders of the county of Hamilton, who shall be chosen by the auditor of said county, and make report to the auditor, by whom the same shall be filed and preserved.

SEC. 6. Said corporation shall hold real estate, together with such other property as may be donated or conveyed by will or legacy, or such other property as may be necessary for the objects for which this association was created, not exceeding two hundred thousand dollars.

SEC. 7. The capital stock of said company shall be transferable, by assignment on the books of said company.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

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#### AN ACT

To incorporate the Martinsville Hydraulic Company in Belmont county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That S. B. West, Elijah Woods, Ebenezer Martin, W. C. Rice, and Joel Wood, with such other persons as shall be associated with them for the purposes hereinafter specified, and their successors, be and they are hereby constituted a body corporate and politic with perpetual succession, by the name and style of the Martinsville Hydraulic Company, and as such shall be capable of suing and being sued, answering and being answered unto, in all courts of justice and elsewhere, and also may have and use a common seal, and the same break, alter, or renew at pleasure.

SEC. 2. That the capital stock of said company shall consist of not more than five thousand dollars, and shall be divided into shares of ten dollars each, which shall be subscribed and paid for under such regulations as the aforesaid corporators may prescribe, who are hereby vested with all the powers and privileges necessary to carry into effect the objects of said association and manage its affairs until directors shall be elected.

SEC. 3. That so soon as one thousand dollars of the capital stock shall have been subscribed, the stockholders holding a majority of the stock of said company shall have power to elect a board of not less than three nor more than five directors, one of whom shall be elected by said directors president of said company; and that the elections of directors shall be held annually in the town of Martinsville, in Belmont county, on the first Monday of April thereafter; and at all elections every share of stock shall entitle the holder thereof to one vote: provided, that the directors shall have power to fill vacancies in their board, and that should there be a failure

to elect directors, the board holding office shall be fully empowered to act until their successors are elected.

SEC. 4. That the president and directors of said company shall have power to manage and superintend its affairs, and to make all bylaws necessary for regulating the concerns of said company, and the transfer of stock, and shall have power of selling stock from time to time as the work may require, until the whole five thousand dollars of the capital stock of said company shall have been subscribed: provided, such bylaws shall not be inconsistent with the constitution and laws of the United States or of this State.

SEC. 5. That said company shall have power to purchase and own any ground or water privilege which may be convenient or necessary to them for the purpose of obtaining and securing the right to divert the water from any stream or river, and to locate and construct the water way through or upon the same, together with any ground which may be properly used for the purpose of creating and employing the water power of said company, and ways and grounds necessary and convenient to the same, and for carrying the water through said town.

SEC. 6. Said company may erect such suitable buildings, machinery and fixtures, and maintain the same as they may deem proper for the profitable use and employment of said water power, and do and perform as fully as private persons may, all acts necessary to carry into effect the objects of said company, not inconsistent with the laws or constitution of the United States or of this State.

SEC. 7. That said company shall have power to dispose of any real or personal estate, lands, water privileges or powers which they may obtain, create or bring into use under the provisions of this act, either by sale of any part or the whole of their interest in said lands or water power, or by lease of the same, precisely as individuals could or might dispose of their private property.

SEC. 8. That the stockholders shall have power to remove the board of directors, or any one them, at any time, and electing others in their stead at a meeting called by any two of the stockholders of said company, provided that a majority of the whole stock is represented in favor of said removal.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 19, 1848.

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#### AN ACT

To incorporate the Columbus and Marysville Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Graham, Zenas Hutchinson, of the county of Franklin, and P. B. Cole, Bill Welch, C. Lee, John Cassil, O. Curry, and Samuel Ressler, of the county of Union, and their associates, be and they are hereby crea-

ted a body corporate, under the name and style of the Columbus and Marysville Turnpike Company, for the purpose of constructing a turnpike road from Columbus to Marysville, to be located either on the free turnpike road leading from Columbus to Dublin; thence to Marysville; thence to Bellefontaine; or on such route as said commissioners may think most practicable; which company shall have all the rights and privileges, and be subject to all the restrictions defined in the "act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. That the commissioners of said free turnpike may and they are hereby authorized to allow and permit the said commissioners of the Columbus and Marysville turnpike to locate on the said free turnpike location, and to have all the rights and privileges as fully as if said free turnpike had never been located.

SEC. 3. The capital stock of said company may be sixty thousand dollars, divided into shares of twenty-five dollars each.

SEC. 4. The above named commissioners shall meet at Dublin, at such time as they may see fit, and proceed to organize said company, and to take order for the opening of books for the subscription of stock, agreeably to the second section of the said act to provide for the regulation of turnpike companies.

SEC. 5. That so soon as fifteen thousand dollars shall be subscribed, the above named commissioners shall call a meeting of the stockholders, as prescribed in the third section of said act to provide for the regulation of turnpike companies, for the election of five directors for the government of said company.

SEC. 6. That said company be and they are hereby authorized to demand and receive from persons traveling said road, the following tolls for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage drawn by two horses or oxen, twenty-five cents; for every horse or ox in addition, five cents;

For every four wheeled pleasure carriage drawn by two horses, twenty-five cents; for every horse in addition, five cents;

For every two wheeled pleasure carriage or sleigh drawn by one horse, ten cents;

For every four wheeled pleasure carriage drawn by one horse, ten cents;

For every cart drawn by one horse or two oxen, ten cents; for every horse or ox in addition, five cents;

For every sled or sleigh drawn by two horses or oxen, ten cents; for every horse or ox in addition, five cents;

For every horse and rider, ten cents;

For every horse, mule or ass, six months old or upwards, led or driven, three cents;

For every head of neat cattle, six months old or upwards, one cent;

For every head of sheep or hogs, one-half cent.

SEC. 7. That whenever five continuous miles of said road are completed, according to the provisions of the said act for the regulation of turn-



pike companies, the aforesaid company may erect a gate or gates, and collect tolls from persons traveling said road, at the above specified rates: provided, that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act for the regulation of turnpike companies, saving only persons conveying public mails of the United States, which last mentioned persons shall not pass free, as is in the said act provided.

SEC. 8. The said company and the corporators thereof shall be subject to the provisions of all acts now in force, or which may hereafter be enacted for the purpose of governing and regulating turnpike companies generally in this State, and also an act instituting proceedings against corporations not possessing banking powers and the visitatorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty-two.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 21, 1848.

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#### AN ACT

To incorporate the Union Fire Insurance Company of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That an insurance company shall be established in the city of Cincinnati, under the name and style of "The Union Insurance Company," with a capital stock of one hundred thousand dollars, divided into shares of twenty-five dollars each, to be subscribed and paid for by individuals, companies or corporations, in the manner hereinafter specified.

SEC. 2. That John T. Martin, Robert Crawford, Marston Allen, William Goodman and William Hooper, or any two of them, be and are hereby authorized to open subscriptions in said city for the capital stock of said company, on the second Monday of April next, and to keep them open every day, between the hours of ten o'clock, A. M., and four o'clock, P. M., for twenty days, (Sundays excepted.) when the same shall be closed. If, within the said twenty days, two thousand shares shall be subscribed for, the subscribers may meet at some suitable place in the city of Cincinnati, after ten days' notice thereof shall have been given in two newspapers published in said city, and choose their directors; who may, at any time, after having given twenty days' notice in two of the newspapers of the city, cause the subscriptions to be re-opened, and to continue open until the whole amount or any part of said capital stock shall be subscribed. If, however, within the said twenty days, more than four thousand shares shall be subscribed for, the said commissioners shall apportion the same among the applicants therefor.

SEC. 3. The payments of the subscriptions shall be made and completed by the subscribers, respectively, at the times and in the manner following: At the time of subscribing there shall be paid, on each share, two dollars; after the election of the directors, and before the company shall go into operation, six dollars; the balance due on each share shall be subject to the call of the directors; and the said company shall not be authorized to make any policy or contract of insurance with any person until the whole amount of shares subscribed shall be actually paid, or satisfactorily secured to be paid, on demand, by indorsed notes, by hypothecated stocks, or by mortgages on real estate: Provided, that no person shall be an indorser for more than two hundred shares.

SEC. 4. The subscribers to said capital stock, their associates, successors and assigns, are hereby constituted a body corporate and politic by the name and style of "The Union Insurance Company;" and, by that name, they shall be capable, in law, of pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity; and may have and use a common seal, and may change and alter the same at pleasure.

SEC. 5. The corporation hereby created may insure all kinds of property against loss or damage by fire; make all kinds of insurance against loss on goods or merchandise in course of transportation, whether on land or on water; and make such other insurances as the directors may judge expedient. They may lend money on bottomry and respondentia, and generally do and perform all necessary matters and things relating to or connected with these objects, or with either of them; and they may also cause themselves to be insured against risks upon the interests which they may have in any vessels, goods or merchandise, in virtue of any such loans on bottomry and respondentia.

SEC. 6. The stock and affairs of said corporation shall be managed and conducted by nine directors, who shall be stockholders and resident within this State. They shall, after the present year, be elected on the first Monday of May in each year, at such time of the day, and at such place in the city of Cincinnati, as the board of directors, for the time being, shall appoint, and shall hold their offices for one year, and until others shall be chosen; and notice of such annual election shall be published, for the space of three weeks, in two of the newspapers printed in said city; and every such election shall be held under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose, and shall be made by ballot, by a plurality of votes of the stockholders present, allowing one vote for every share; and stockholders not personally present may vote by proxy, such proxy being granted directly to the person representing them at such election. In case it shall at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold an election of directors in such manner as shall have been required by the bylaws and ordinances of said corporation.

SEC. 7. The directors regularly chosen by the stockholders of said corporation shall, as soon as may be after every election, proceed to choose out

of their body one person to be president, who shall preside until the next annual election; and in case of the death or resignation of the president, or any director of said corporation, such vacancy or vacancies may be filled by the board of directors; and in case of the absence of the president, the board shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the bylaws of said corporation may provide.

SEC. 8. The stock of said company shall be assignable and transferable according to such rules and subject to such restrictions as the board of directors shall, from time to time, make and establish, and shall be considered personal property.

SEC. 9. The major part of the directors of said company shall constitute a quorum, and be competent to the transaction of the business of the corporation; and they may, if done in pursuance of a bylaw, appoint from their own body one or more persons to act or assist in the management of their business, with such salaries and allowances as they may think proper; also, appoint a secretary and so many clerks and servants, for carrying on their business, as they shall deem expedient; and they may also declare and make dividends out of the profits resulting from the business of said company, and make and prescribe such bylaws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said company, the duties, powers and conduct of its officers and servants, the election of directors, the transfer of shares, the management and conducting of its business, and all other matters appertaining thereto.

SEC. 10. The capital stock and property of said company shall be listed, annually, by the president thereof, for taxation, in the same manner and at the same time, and be subject to the same taxes, as the private property of any individual would be in the city of Cincinnati, and any failure to do so shall work a forfeiture of this charter.

SEC. 11. It shall be lawful for the said corporation to purchase and hold such and so much real estate as shall be necessary and convenient for the transaction of its business, not exceeding twenty thousand dollars in value; and also take and hold any real estate or securities, bona fide mortgaged or pledged to said corporation, either to secure the payment of any debts that may be due to it, or the payment of the shares of the capital stock; and also to purchase on sales made in their favor by virtue of any judgment at law, or any order or decree of a court of equity, or otherwise to receive and take, any real estate in payment or towards satisfaction of any debt previously contracted and due said corporation, and to hold the same until they can conveniently sell and convert the same into money or other personal property, but not for a longer time than five years: Provided, always, that it shall not be lawful for the said corporation to use or employ any part of their stock, funds or moneys, in buying or selling merchandise or any commodities whatsoever, or in any banking operations or business, nor to emit any notes or bills, or make any contract for the payment of money, only except under the seal of said corporation; and all such notes and contracts shall, to all intents and purposes, be taken as specialties at law: but it shall be lawful for said corporation to purchase and hold any stock created by or under any act of the United States, or any particular State,

for the purpose of vesting any part of the capital stock, funds or moneys, therein, instead of investing the same in and upon real security; and also to sell and transfer the same, and again invest the same, or any part thereof, in the stock or funds, whenever and as often as the exigencies of the said corporation, or due regard to the safety of its funds, shall require.

SEC. 12. All policies or contracts of insurance which may be made or entered into by the said corporation, shall be subscribed by the president, or president pro tem., or by such other officer as shall be designated for the purpose by its bylaws, and attested by the secretary; and being so signed and attested, shall be binding and obligatory upon the said corporation without the seal thereof, according to the tenor, intent and meaning of such policies or contracts; and all such policies or contracts may be so signed and attested, and the business of said corporation may be otherwise conducted and carried on without the presence of a board of directors, by assistants or committees, if done under or in conformity to the bylaws of the said corporation, and the acts of such assistants or committees shall be binding and obligatory upon said corporation to all intents and purposes.

SEC. 13. Any person or persons who shall subscribe for stock in said corporation, and shall neglect or refuse to pay the installments, or any part thereof, as required by section third, or as may be demanded by the directors in accordance therewith, the same may be declared forfeited to the corporation by said directors, together with all moneys paid thereon.

SEC. 14. This act shall be and is hereby declared to be a public act, and the same shall be construed in courts and places favorably, for every beneficial purpose herein intended: Provided, that any future legislature may limit, amend, alter, or repeal this act. This act shall take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 21, 1918.

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#### AN ACT

To amend the act entitled "an act to incorporate the town of New Richmond and Susanna, in the county of Clermont."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the town of New Richmond shall have power to lay a tax, annually, for corporation purposes on the property within the limits of said town, returned on the grand levy and made subject to taxation by the laws of this State: provided, that said tax shall not exceed, in any one year, one half of one per cent. of the value of said property.

SEC. 2. That the town council shall have power, by ordinance or ordinances duly published, to require all owners of lots or lot or part of lots in said town, to make and construct a pavement or sidewalk of such width

and on such street or streets, in conformity with such grade, and of such materials adjoining such lot, lots or part of lots, together with a good and substantial curbing and gutters in front of such sidewalks, and also to alter or repair such pavement, sidewalk, curbing and gutters, or either of them, as to them shall seem proper and reasonable.

SEC. 3. If any owner or owners of a lot, lots or part of a lot, as aforesaid, within said town, shall neglect or refuse to construct, alter or repair such pavement, sidewalk, curbing or gutter when required so to do, in accordance with the provisions of the preceding section of this act, and within the time prescribed by the town council, the town council may then proceed to construct, repair or alter such sidewalk, pavement, curbing or gutter, and may recover the costs and expenses thereof from the proprietor, by an action of assumpsit in any court having cognizance thereof, with costs of suit; or said council may assess such costs and expenses as a tax upon the premises, and the amount when so assessed and certified by the recorder of said town to the auditor of Clermont county, shall be by him charged upon the duplicate of said county to such proprietor, and collected and paid over by the treasurer of said county of Clermont, in the same manner as other taxes for said corporation are required by this act to be collected and paid over.

SEC. 4. So much of the law to which this is an amendment as conflicts with the provisions of this act, is hereby repealed.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 21, 1848.

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#### AN ACT

To authorize the sale of School Section Sixteen, in Richfield township, Lucas county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section sixteen, situate in Richfield township, Lucas county, be and the same is hereby authorized to be sold: provided, no part thereof shall sell for less than the appraised value thereof; and such sales shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three, and in accordance with "an act to fix the minimum price of the sale of school lands," passed March fourth, one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 21, 1848.

## AN ACT

To authorize the trustees of the Methodist Episcopal Church of Plymouth, New Haven township, Huron county, to sell the parsonage property of said church, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That William Knott, Christian Culp, Daniel Brewer, Jesse Bell and Lewis Boordman, trustees of the Methodist Episcopal Church in the village of Plymouth, New Haven township, Huron county, Ohio, be and they are hereby authorized and empowered to sell, at public or private sale, for cash or upon reasonable credit, the parsonage property, both real and personal, belonging to said church, and make to the purchaser or purchasers a good and sufficient deed or deeds for the same: provided, however, that the proceeds arising from such sale shall be appropriated by the trustees of said church for the purchase of a suitable lot and the erection of a suitable house thereon, or either, as said trustees may direct, to be used and occupied for the same uses and purposes as the original, and for no other purpose whatever.

SEC. 2. Lewis Ijams and William Garner, trustees of the parsonage of the Methodist Episcopal Church in the Asbury circuit, Ohio Conference, are hereby authorized to sell and convey lot number fifty-four, in Wilson's addition to the town of Mount Sterling, Muskingum county, and make to the purchaser a good and sufficient deed therefor.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 21, 1848.

## AN ACT

To incorporate the Edinburgh College.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of establishing a college for the education of youth in the various branches of useful knowledge, George Hackett, David Clark, John I. Brown, Daniel Kirkpatrick, Moses Smith, I. K. Jameson, A. H. Jameson, Noah Brown, George Shorp, John E. Brown, John Briggs, Conrad Franks, James Trusedale, William Patterson, J. H. Hitchcock, Samuel Case, Adam Hatfield, citizens of Ohio, be and they are hereby created a body politic and corporate with perpetual succession, with full power to sue and be sued, to plead and be impleaded, to acquire, hold and convey property, both real and personal; to have and to use a common seal, to alter and renew the same at pleasure; to confer on those whom they may deem worthy, all such honors and degrees as are usually conferred by colleges; and to make and alter, from time to time, all such bylaws as shall be deemed necessary for the government of said institution: provided, that

such bylaws are not inconsistent with the constitution and laws of the United States and of this State.

SEC. 2. The said corporation shall be known and designated by the name and style of the "Trustees of Edinburgh College," and the college shall be styled "Edinburgh College," and shall be located at Edinburgh, in Wayne county.

SEC. 3. The officers of the college shall be a president, vice president, treasurer and secretary, to perform the duties usually performed by such officers; the number of trustees shall not be less than eleven nor greater than twenty-one, exclusive of the president of the college, who shall be ex-officio a member of the board of trustees; five trustees shall constitute a quorum for the transaction of business.

SEC. 4. The treasurer shall be styled Treasurer of Edinburgh College; and, before entering upon the duties of his office, shall give bonds for the security of the corporation and of the public, in such penal sum and with such securities as shall be approved by the trustees.

SEC. 5. The said college shall afford instruction in the liberal arts and sciences usually taught in colleges, and shall be allowed to have an academical department for the instruction of students in the various branches of academical education and general knowledge not included in the usual collegiate course.

SEC. 6. The trustees shall appoint a president, professors, and tutors, to constitute the faculty of the college, and to be charged with its government and instruction; they shall also appoint other officers, instructors and agents, as they shall be needed, and a provision may be made for their support; and shall have power to remove any or either of the faculty or other officers, instructors or agents, for good and sufficient reasons, and to fill all vacancies which may occur in said board of trustees in said faculty, or among said officers, instructors and agents; the trustees shall also prescribe the course of studies and instruction to be pursued in the college and in the academical department which may be connected with it, procure funds for the endowment of professorships, the erection of buildings to be used as college edifices, or additions thereto, the purchase of books, charts, chemical, philosophical and astronomical apparatus, and for whatever else may be necessary for the prosperity and usefulness of the college, and shall faithfully apply what they receive to these purposes: provided, nevertheless, that in case any donation or other bequest shall be made to the college for purposes accordant with its designs, and the trustees shall accept or receive the same, every such donation or bequest shall be applied in conformity with the conditions or designs expressed by the donor as far as may be, and not inconsistent with this act: provided, that none of the property or funds of this institution shall be used for banking purposes, either directly or indirectly.

SEC. 7. The trustees shall meet annually, and oftener if necessary; they shall also hold special meetings at the request of any three members of the board; and, in case of a special meeting, notice shall be given to each member of the board, at least ten days before the time of said meeting; the first meeting shall be held at the college in the town of Edinburgh, Wayne county, on the third Tuesday after the passage of this act.

SEC. 8. Nothing in this act shall be construed to authorize the trustees of Edinburgh college to confer such honors and degrees as are usually conferred by colleges, until it shall have obtained property, either real or personal, to the amount of ten thousand dollars in value, to be estimated by three disinterested freeholders of the county of Wayne, who shall be chosen by the auditor of said county, and make report to the auditor, by whom the same shall be preserved.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate,*

February 21, 1848.

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#### AN ACT

To incorporate the Clevestown and Bridgetown Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Pouner, John H. F. Thornton, Clarkson Wood, Daniel G. Howell, Abram Moor, William Winters, Samuel Parker, Jonathan Markland, and Ephraim Fithian, and their associates, be and they are hereby created a body corporate, by the name and style of the Clevestown and Bridgetown Turnpike Company, for the purpose of constructing a turnpike road in the county of Hamilton, commencing at or near the seven mile house in the township of Green; thence on or as near as practicable along the old State road, to the top of the ridge on the Cleves hill in Miami township; which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the "act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except so far as the same may be modified or changed by the provisions of this act.

SEC. 2. That the capital stock of said company shall not exceed twenty thousand dollars, divided into shares of fifty dollars each.

SEC. 3. That if the said company shall locate any part or the whole of the turnpike road authorized to be located and constructed by this act, upon any meadamized or other county or State road, or upon any bridge or culvert upon which the county commissioners of Hamilton county have expended any portion of the road or bridge tax collected and expended in said county, or any other moneys from the treasury of said county, then and in that case the said company shall, before using said road or bridge or culvert, or any part thereof, or appropriating it to the purposes of this act, enter into fair and equitable arrangements with the county commissioners of said county, which the said commissioners are hereby authorized to enter into in the manner and mode which to them may seem best for



the interests of said county, for the purpose of indemnifying the said county for the present fair and full value for the road, bridge and culverts before referred to.

SEC. 4. The persons named in the first section of this act, or any five of them, shall meet at the seven mile house, on the Harrison turnpike, at such time as they shall think fit, and proceed to organize said company, and to take order for the opening of books for the subscription of stock, agreeably to the second section of the "act to provide for the regulation of turnpike companies."

SEC. 5. That as soon as ten thousand dollars have been subscribed to the stock of said company, the persons named in the first section of this act, or any five of them, shall call a meeting of the stockholders, for the election of directors for the government of said company.

SEC. 6. That whenever four continuous miles of said road are completed according to the provisions of said "act to provide for the regulation of turnpike companies," the aforesaid company may erect a gate or gates, and receive toll from persons traveling said road, at the rates specified and fixed by the act entitled "an act to amend the act entitled an act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, which amendatory act was passed February twenty-fifth, one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 21, 1848.

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#### AN ACT

To incorporate school district number one, in Perry township, Stark county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all the territory included within the limits following, to wit: Commencing at the northeast corner of section five; thence south, along the section lines, to the southeast corner of section twenty; thence west, along the section lines, to the Tuscarawas river; thence north, with the meanderings of said river, to the north line of the township; thence east, to the place of beginning, in the township of Perry, Stark county, be and the same is hereby constituted one school district, to be known as school district number one, of Perry township.

SEC. 2. That the persons residing in said district, who are entitled to vote in district meetings therein, shall meet on the day, in the manner and at the place prescribed by the general school law of the State, and elect directors for said district, according to the law regulating the election of these officers in other districts of the State; the term of service of the directors now serving in said district to remain the same as in other districts, and to continue unchanged by any of the provisions of this act.

SEC. 3. That said directors, within ten days after their election as aforesaid, shall meet and organize by choosing from their number a president, secretary and treasurer; and such treasurer, before entering upon the duties of his office, shall give bond and security, to be approved by the trustees of the township, and deposited with and recorded by the recorder of the county, conditioned for the faithful performance of his duties, and disbursement of all moneys that may come into his hands as such treasurer, which bond shall be made payable to the State of Ohio; and when such bond shall become forfeited, it shall be the duty of the president to sue and collect the same for the use of said district.

SEC. 4. And the said directors and their successors shall be a body corporate by the name and style of the Board of Education of School District Number One, of Perry township; and, by such name, shall be authorized to receive all moneys accruing to said district, or any part thereof, for the use and benefit of schools in said district; and the said board shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in any court of law or equity in this State; and shall be capable of receiving any gift, grant, donation or devise, made for the use of common schools in said district; and said board, by resolution, shall direct the payment of all moneys that shall come into the hands of said treasurer, and no moneys shall be paid out of the treasury except in pursuance of said resolution, and on the written order of the president, countersigned by the secretary.

SEC. 5. The said board of education shall have power to make and enforce all necessary rules and regulations for the government of teachers and pupils in the schools under their care in said district; to employ teachers, male and female, and pay them a suitable compensation; to purchase all books and necessary apparatus; to pay for lands, houses, furniture, as well as all other expenses necessary for conducting and keeping up the schools in said district, from the public moneys in the hands of the treasurer; and the remainder of all the expenses of the public schools in said district, after appropriating all moneys that may come into the hands of the treasurer under the general laws of the State, or otherwise, shall be defrayed by tax on all the taxable property in said district. And the said board of education shall, annually, estimate the amount necessary to be raised by such tax, and submit the question of such tax to the householders in said district, and if a majority decide in favor of said tax, then the directors shall transmit the same to the auditor of the county, who shall levy such tax on the taxable property in said district, and cause the same to be collected as other taxes are collected; and the same shall be paid over to the treasurer of said district: Provided, that in no case the said board shall have power to assess a tax of more than two mills on the dollar of the taxable property in said district, unless authorized by a vote of the householders thereof.

SEC. 6. All legal title to lands and houses, and other property, used for common school purposes in said district, shall vest in said board of education at the taking effect of this act, and all titles acquired thereafter shall be in the name of said board.

SEC. 7. That said board of education shall, immediately after their organization, appoint three competent persons to serve as school examiners of said district, all of whom shall be citizens of said district, one to serve for

one year, one for two years, and one for three years, as designated by said board, and till their successors are elected and qualified. Said board, at their first regular meeting after the first Friday in April, in each year thereafter, shall appoint one school examiner, to serve for three years and till his successor is qualified; and said board shall fill all vacancies that may occur. The examiners, or any two of them, shall examine such person as may apply to them for that purpose, and, if they find the applicant qualified, they shall give him a certificate, naming the branches he is found qualified to teach; that they have carefully inquired into his character and believe it to be good, and that they believe him to be well qualified to teach. They shall, also, in every case where two of their number concur, have power to annul any certificate previously given, and the person holding the same shall be discharged from the public schools in said district. They shall also visit said schools at least as often as once in every quarter, observe the discipline, mode of instruction, progress of the scholars, and such other circumstances as they may deem of interest, and, annually, they shall report their proceedings to the board of education, with such suggestions as they shall think proper; and no teacher shall be employed to teach any of said schools, without a certificate from said examiners.

SEC. 8. Annually, and at such other times as the board of directors may appoint, public examinations of all the scholars in said district shall be had, under the direction of the board of education and examiners.

SEC. 9. That so much of the general school law, and so much of any and all laws of this State, as may be inconsistent with this act or any of its provisions, is hereby repealed as to said district.

SEC. 10. The first election under the authority of this act shall be held on the first Friday in April next; and it shall be the duty of the directors of school district number one, in said township, to give at least twenty days' notice of said election, by posting up written or printed notices in at least five public places in said district. The board of education, when organized, shall have power to complete any business that may remain unfinished in the hands of the directors of said district on the taking effect of this act; to collect all moneys that may be due to, and to pay any debts that may be owing by said district. All books and papers belonging to said district shall be delivered over to said board of education. It shall be the duty of the secretary of said board to keep, in a book to be provided for that purpose, an accurate record of the proceedings of the board, which shall at all times be subject to the inspection of any taxpayer in said district.

SEC. 11. This act to take effect and be in force from and after the first day of April next.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 21, 1848.

## AN ACT

To authorize the trustees of townships in certain counties to levy an additional road tax.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees in any of the several townships of the county of Ottawa, be and they are hereby authorized to levy, in addition to the road tax by law authorized to be levied by the commissioners of said county, a specific road tax in their township, not to exceed two cents on each and every acre of land in said county placed on the duplicate for taxation; the said tax shall be certified to the auditor of said county on or before the first of June, annually, and be by him placed upon the duplicate of taxes in a column separate from all other taxes.

SEC. 2. The taxes so levied shall be collected in money by the county treasurer as county taxes are collected, and shall be expended upon the public roads of the several townships in which the same were respectively levied in the manner directed by this act.

SEC. 3. It shall be the duty of the trustees of any township in which such tax may be levied, at their march meeting next after the collection thereof, to apportion the same among the several supervisors of their township, in accordance with the number of acres of taxable land in each road district, in opening, bridging, crosswaying, grading or repairing the roads thereof; but all such labor shall be by contract publicly let to the lowest bidder, under such restrictions as the township trustees may prescribe.

SEC. 4. This act shall continue in force six years from and after its passage, and shall also extend to and be in force in the counties of Darke, Mercer, Allen, Vanwert, Putnam, Paulding, Defiance, Henry, Lucas, Wood, Hancock, Logan, Williams, and Hardin.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 22, 1848.

## AN ACT

To lay out and establish a Free Turnpike Road from Urbana, in Champaign county, to Marysville, in Union county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jesse C. Phillips, Jacob H. Patrick, Erastus Sheldon, and Ira C. Johnson, of the county of Champaign; and Wilson Reed, and Bill Welch, of the county of Union, be appointed commissioners to lay out and establish a free turnpike road, commencing at the east end of Scioto street, in the town of Urbana, in Champaign county; thence to the farm of Jesse C. Phillips; thence to Woodstock; thence to Milford; thence to Marysville, in the county of Union; which road shall be constructed, repaired and

preserved in the manner pointed out in the general "act to provide for laying out and establishing free turnpike roads," passed March twelfth, one thousand eight hundred and forty-five, and the acts amendatory thereto.

SEC. 2. That said commissioners shall be governed, in all their proceedings, by the provisions of the acts mentioned in the first section of this act.

SEC. 3. That James McWhinney, Newton Larsh, and James Elliott, of Preble county, are appointed commissiosners to lay out and establish a free turnpike road, commencing at Fairhaven, in Preble county, by the way of the Township house, in Dixon township, to New Westville, in said county; which road shall be constructed, repaired and preserved in the manner pointed out in the "act to provide for laying out and establishing free turnpike roads," passed March twelfth, one thousand eight hundred and forty-five, and the several acts amendatory thereto.

SEC. 4. Said road shall be known by the name of the Fairhaven and Westville Free Turnpike Road Company, and shall be governed in all their proceedings by the provisions of the acts mentioned in the first section of this act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 22, 1848.

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#### AN ACT

To incorporate the Cleveland and Mahoning Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John W. Allen, John M. Woolsey, Richard Hilliard, Henry B. Payne, Josiah A. Haines, Philo Scoville, Noah Graves, and Royal Taylor, of the county of Cuyahoga; Charles Smith, Frederick Kinsman, Matthew Birchard, Leicester King, Thomas J. McLain, Jacob Perkins, Samuel Quinby, and John F. Beaver, of the county of Trumbull; Henry Manning, Henry Wick, Robert W. Taylor, Asahel Medbury, David Tod, and James Woods, of the county of Mahoning, and their successors and assigns, are hereby created a body corporate with perpetual succession, by the name of the Cleveland and Mahoning Railroad Company, with authority to construct a railroad from some point in Cleveland, in the county of Cuyahoga, to some point in or near the village of Warren, in the county of Trumbull; with the right at their discretion of continuing it easterly to the east line of the State; with power to connect with any railroad in this State, running in the same direction, or with any railroad incorporated by the State of Pennsylvania, and to continue their road into the State of Pennsylvania to any point authorized by the General Assembly of said State.

SEC. 2. The capital stock of said company may consist of any amount not exceeding fifteen hundred thousand dollars, with power to increase the capital, at any regular meeting of the stockholders of said company, to such an amount as may necessary to complete said road: provided, the stockholders owning a majority of the stock in said company shall vote for the said increase.

SEC. 3. Said company shall have all the powers and be subject to all the restrictions and provisions of the act "regulating railroad companies," passed February eleventh, one thousand eight hundred and forty-eight.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 22, 1848.

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#### AN ACT

To incorporate the Western Art Union.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Charles Stetson, William A. Adams, James Hall, John P. Foot, William P. Steele, Miles Greenwood, E. L. Magoon, James T. Meline, Robert W. Burnet, William W. Scarborough, E. T. Collins, T. S. C. Smith, and their associates, are hereby created a body corporate by the name of "The Western Art Union."

SEC. 2. Said corporation shall have power to make and establish a constitution and bylaws for its government; and to alter and amend the same: provided, such constitution and bylaws are not inconsistent with the constitution and laws of the United States and of this State; to designate the number, powers and duties of its officers; to regulate the terms of admission of its several members, as the said corporation may see fit; it shall have a common seal, and be capable of holding real and personal estate: provided, that the annual income from such estate shall not exceed the sum of ten thousand dollars: and provided, also, that the whole income of its estate, as well as the annual subscription of its several members (excepting only its necessary expenses) shall be appropriated to the purchase and distribution of works of art among its members, and to no other purpose whatever.

SEC. 3. The said corporation shall have power, annually, to distribute by lot among its several members, paintings, engravings, statuary, and other works of art; and it shall also have power to receive donations of real and personal estate and money, for the establishment of a gallery of works of art, for public exhibition.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 22, 1848.

## AN ACT

To amend an act entitled "An act to lay out and establish a graded State road, from Leesburg, in Carroll county, to Zoar, in Tuscarawas county," passed February 5, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the graded State road laid out and established in compliance with the above recited act, to which this is an amendment, be and the same is hereby divided into three sections, viz: the first section of said road shall include all that part thereof which is situate between Leesburg, in Carroll county, and the line between the said counties of Carroll and Tuscarawas; the second section of said road shall include all that part of said road which is situated between the east line of the county of Tuscarawas, and the line dividing the lands of John Davey and John Sparks, in said county of Tuscarawas; the third section of the aforesaid road shall consist of all that portion thereof which is situated between the last mentioned line and the town of Zoar, in the aforesaid county of Tuscarawas.

SEC. 2. That all the usual labor, whether by taxes or otherwise, within three-fourths of a mile from each side of said road, shall be applied on said road, exclusively, for the term of three years from and after the passage of this act; and that said labor shall be performed under the direction of one supervisor for each section of said road, as divided in section one of this act: provided, that all cross roads and roads branching out of said road, shall be kept in repair by the labor included in the above space of three-fourths of a mile from each side of the main line of the road above designated, for the whole distance of said "three-fourths of a mile."

SEC. 3. That John Benedum, of Carroll county, be and he is hereby appointed supervisor of the first section of the aforesaid road; that John Boath, of Tuscarawas county, be and he is hereby appointed supervisor of the second section of said road; and that Reuben McHenry, of Tuscarawas county, be and he is hereby appointed supervisor of the third section of the said road.

SEC. 4. That each of the above named supervisors shall hold his office for the term of three years from the passage of this act; and in case of the death, resignation, or removal of any of the above named supervisors, the vacancy so occasioned shall be filled by the commissioners of the county in which such vacancy may occur.

SEC. 5. That each of said supervisors shall be allowed a reasonable compensation for his services in carrying out the provisions of this act: provided, that such compensation shall not exceed one dollar and twenty-five cents per day, to be paid out of any funds which may have been collected for the use of said road: and provided, further, that before any of the accounts of the said supervisors shall be paid, said accounts shall be audited by the trustees of the township in which each of the said supervisors may respectively reside; and each of the said supervisors shall be authorized to draw upon the treasury of any township in which funds may be deposited for the use of said road, by an order from the trustees of such township; and it is hereby made the duty of the county auditors of the respective counties of Carroll and Tuscarawas to notify the trustees of those

townships, through which said road may pass, of the amount due said road from their townships respectively.

SEC. 6. That this act shall take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 22, 1848.

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AN ACT

To amend "An act to incorporate the town of Wilmington, in the county of Clinton," passed January 16th, 1828.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of any road district as is included in the corporate limits of said town of Wilmington, shall be under the supervision of the marshal of said town, or such other person as the town council of said town may by ordinances designate; and such marshal or other person so designated as aforesaid, shall have as full and complete power over such portion of said road districts as is now, by the laws of this State, vested in the supervisors of road districts, except as modified or changed by this act.

SEC. 2. All such persons residing within the corporate limits of said town of Wilmington as are by law required to perform two days' labor on roads and highways, are hereby required to perform one day's labor under the direction and supervision of the marshal, or other persons designated by the town council of said town of Wilmington, as provided for in the first section of this act, and also one day's labor under the direction and supervision of the supervisor of the road district in which he may reside, as the same may be established by the trustees of Union township, in the county of Clinton.

SEC. 3. That the town council of said town of Wilmington shall have power to make, ordain and publish such ordinances, bylaws and regulations, as they may deem necessary to regulate, improve and keep open, unobstructed and in repair, all streets, sidewalks, public lanes, alleys and passages within the corporation; to grade, gravel, macadamize and pave all streets and alleys, and to make sidewalks; to cause the owners of any lots or parts of lots to repair, improve, pave or gravel sidewalks adjacent to their respective lots or parts of lots on any street of said town.

SEC. 4. That whenever, by the ordinances or bylaws of the town of Wilmington, the owner or owners of any lot or part of lot situated in said town, shall be required to repair, improve, pave or gravel any sidewalk, alley or gutter adjacent to such lot or part of lot; and if the owner or owners thereof shall neglect or refuse to repair, improve, pave or gravel the same according to the provisions of such ordinance or bylaws, the same



may be repaired, improved, paved or graveled at the expense of said town, and whenever the same shall be repaired, improved, paved or graveled at the expense of said town, the amount so expended by said town is hereby made a tax upon the lot or part of lot aforesaid; and it shall be the duty of the recorder of said town to enter the amount, as aforesaid expended, upon the duplicate of said town, authorized by the act to which this is an amendment, in a separate column for that purpose, as a special tax upon said lot or part of lot, to be collected for the use of said town, as other taxes are collected for the use of said town.

SEC. 5. That so much of the act to which this is an amendment, and all acts amendatory thereto, as is inconsistent with this act, be and the same are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 22, 1848.

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AN ACT

To incorporate the State Medical Society of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That R. Thompson, F. Carter, G. W. H. Landon, A. H. Barker, R. D. Mussey, J. P. Judkins, J. F. Hibberd, Samuel St. John, G. H. Boestler, R. Hills, D. A. Cox, W. W. Rickey, and their associates, be and they are hereby made a body corporate and politic by the name of the Ohio State Medical Society.

SEC. 2. Said association, so incorporated, shall have power to form and adopt a constitution and bylaws: Provided, nothing therein contained shall be contrary to law; and to alter and amend the same at pleasure.

SEC. 3. Said corporation shall have power to organize auxiliary societies in any part of this State; shall be competent, through its proper officers, to sue and be sued; shall have and use a common seal, and alter the same at pleasure; shall have power to acquire and hold such scientific and other property as may be necessary; and to do such other matters and things as are usual in like cases, and proper for its perpetuation and the furtherance of its objects.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 22, 1848.

## AN ACT

To amend an act entitled "an act to establish grades and enforce the paving and macadamizing of streets, roads, lanes and alleys, in the southern precinct of Millcreek township, Hamilton county, Ohio," passed March 6, 1844, and to amend the several acts heretofore passed, amendatory thereto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That no suit now pending, or hereafter to be brought, by or against the supervisor of the district, under the provisions of the aforesaid act of March, one thousand eight hundred and forty-four, or any of the amendments thereto, shall abate by reason of any change of the person holding said office; but the successor of such supervisor may be made party to such suit, and the same shall be prosecuted to final judgment, by or against the person so made party as aforesaid.

SEC. 2. This act shall be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 22, 1848.

## AN ACT

To amend an act entitled "an act to dispose of two escheated lots in the town of Mansfield, Richland county," passed February 8, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the proceeds of the sale of the two escheated lots in the town of Mansfield, Richland county, authorized to be sold by the act to which this is an amendment, be, by the commissioners appointed by the governor, (to make sale of said lots agreeably to the provisions of said act to which this is an amendment,) divided among the several school districts now comprised within the present corporate limits of the town of Mansfield, in proportion to the number of youth returned by each of said school districts in the year eighteen hundred and forty-seven, to be by said districts expended for the purpose of purchasing sites for school houses in said districts, and erecting school houses thereon, and for no other purpose whatever.

SEC. 2. That so much of the act to which this is an amendment as appropriates the proceeds of the sale of the said escheated lots for the erection of an academy, and all other parts of said act inconsistent with the provisions of this act, be and the same are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 22, 1848.

## AN ACT

To erect the county of Morrow.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the counties of Marion, Delaware, Knox, and Richland, as are embraced within the boundaries hereinafter described, be and the same are hereby erected into a separate and distinct county, which shall be known by the name of Morrow; and the seat of justice within and for said county, shall be and is hereby fixed and established at Mt. Gilead, to wit: beginning at the southwest corner of Tully township, in Marion county; thence east on the township line to the southeast corner of said township: thence north on the township line to the northeast corner of said township; thence north one mile; thence east on the nearest line of lots to the northeast corner of section nine, in Troy township, Richland county; thence south on the nearest line of lots with the eastern boundary lines of Franklin, Chester, and Bloomfield townships, Knox county, to the southeast corner of said township of Bloomfield; thence west with the south line of Bloomfield township, Knox county, and Bennington and Peru townships, Delaware county, to the southwest corner of said township of Peru; thence north four miles; thence west along the nearest line of lots to the west line of Oxford township, Delaware county; thence north along the township line to the Greenville treaty line; thence easterly along said Greenville treaty line to the southwest corner of Morven township, Marion county; thence north along the west line of said Morven and Canaan townships, Marion county, to the place of beginning: and also attaching to the county of Marion so much of the county of Delaware as is contained in the following boundaries, to wit: beginning on the Greenville treaty line at the northeast corner of Marlborough township, Delaware county; thence south along the line between Marlborough and Westfield townships, Delaware county, to the southwest corner of said Westfield township; thence west along the original township line and with said line continued west to the west line of Delaware county; thence north along the county line to the Greenville treaty line; thence easterly with said Greenville treaty line to the place of beginning.

SEC. 2. That all suits and prosecutions, civil or criminal, which shall be pending in those portions of Marion, Delaware, Knox, Crawford, and Richland counties, so set off and erected into the county of Morrow, previous to the first day of March one thousand eight hundred and forty-eight; and all like suits and prosecutions pending within that part of Delaware county hereby attached to the county of Marion, previous to the same time, shall be prosecuted to final judgment and execution in the county from which they are taken, in the same manner as if the said county of Morrow had not been erected; and the sheriffs, coroners, and constables of the said counties, respectively, shall serve all such process as may be necessary to carry into effect such suits, prosecutions and judgments; that the collectors of taxes for the said counties, respectively, shall collect all taxes which shall be levied and unpaid within the aforesaid portions of the respective counties, before and until the first Monday in March, one thousand eight hundred and forty-eight.

SEC. 3. That all justices of the peace, constables and other officers within those parts of the counties of Marion, Delaware, Knox, Crawford, and Richland, which by this act are erected into the county of Morrow; and also that part of the county of Delaware hereby attached to the county of Marion, shall continue to exercise and discharge the duties of their respective offices until their time of service shall expire, and their successors are elected and qualified, in the same manner as if this act had not passed.

SEC. 4. That all writs and other legal process in the territory hereby erected into the new county of Morrow, shall be styled of Morrow county, after the first day of March, one thousand eight hundred and forty-eight; and all writs and other legal process within the territory hereby attached to the county of Marion, shall be styled of the county of Marion.

SEC. 5. That the legal voters residing within the limits of the county of Morrow shall, on the first Monday in April, one thousand eight hundred and forty-eight, assemble in their respective townships, at the usual places of holding elections, and proceed to elect the different county officers (except sheriff and coroner, who shall be elected according to the 39th section of an act to regulate elections, passed February eighteenth, one thousand eight hundred and thirty-one) in the manner prescribed in the act regulating elections, who shall hold their offices until the next annual election, and until their successors are chosen and qualified.

SEC. 6. The county of Morrow shall be attached to and form part of the second judicial circuit of the court of common pleas.

SEC. 7. That no tax shall be levied upon the property, either real or personal, of the citizens of Morrow county, for the erection of a court house and jail within and for said county, until the sum of seven thousand dollars shall have been subscribed and paid to or expended by the county commissioners, as donations from the citizens of said county for the erection of public buildings: provided, that if said sum of seven thousand dollars shall not be subscribed and paid within two years from and after the passage of this act, it shall be the duty of the commissioners of the said county of Morrow, within twenty days after the expiration of the said term of two years, to give notice of such fact in some newspaper of general circulation in said county, and the qualified electors of said county may, at the annual spring election then ensuing, determine by ballot the location of the seat of justice for said county; and that place having in its favor a majority of all the ballots cast at such election, shall thereafter be established as the seat of justice for the said county of Morrow.

SEC. 8. Nothing in this act shall be so construed as to exonerate that portion of Knox county hereby included in the county of Morrow, from any liability on account of any railroad subscription heretofore made by the said county of Knox, but their due proportion of such subscription shall be levied upon all property within said territory, and collected by the treasurer of Morrow county, and be by him paid over to the treasurer of Knox county, or such other officer or person as may be authorized by law to receive the same.

SEC. 9. And it is hereby made the duty of the auditor of Knox county, on or before the fifteenth day of June, in each year, as long as the above tax shall be claimed, to furnish the auditor of Morrow county with the rate

per centum of the tax levied in Knox county, for the purpose above named ; and upon the receipt of such rate the said auditor of Morrow county shall add such rate to all the property, personal and real, within the above named territory detached from Knox county, according to the value of said property as entered upon his duplicate.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To amend the act entitled "An act to incorporate the Columbus and Pittsburgh Railroad Company,"  
passed March 2d, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Columbus and Pittsburgh Railroad Company shall have power to connect said road with any other railroad starting from Columbus and tending in the direction of Pittsburgh, or commencing at the Ohio river within the State of Ohio, north of the town of Steubenville, and tending westward.

SEC. 2. That the fifteenth section of the act to which this is amendatory, and such other portions of said act inconsistent with this act, be and the same are hereby repealed.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 21, 1848.

#### AN ACT

To incorporate the Great Western Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That E. G. Spelman, Usher P. Leighton, Proteus Wheeler; Alexander Thompson, Andrew Dodds, William L. Walker, Benjamin M. Penn, Adam McConnell, of Hardin county ; John Merrill, T. J. Anderson, Orrin Patten, J. J. Williams, John Kaener, T. Henderson, J. E. Davis, James H. Godman, T. B. Fisher, Charles R. Godman, E. Peters, A. W. Baker, of Marion county, and their successors, associates and assigns, be and they are hereby created a body corporate and politic forever, by the name and style of the "Great Western Railroad Company," with perpetual succession, and by that name and style shall be entitled to have, enjoy, and hereby are vested

with all the rights, privileges, powers and franchises, and be subject to all the restrictions of the act entitled "an act regulating railroad companies," passed February eleventh, one thousand eight hundred and forty-eight, except in so far as the same may be modified by this act.

SEC. 2. That the capital stock of said company shall be two millions of dollars.

SEC. 3. That said company shall have power to construct a railroad, commencing at Mansfield, in Richland county; thence to Marion, in Marion county; thence to Kenton, in Hardin county; thence to Lima, in Allen county; and thence on such route as the directors of said company or a majority of them may select, to the west line of the State of Ohio.

SEC. 4. That the county commissioners of any county through which said railroad may be located, except the county of Richland, shall be and they are hereby authorized to subscribe to the capital stock of said company any sum not exceeding fifty thousand dollars; and, to pay the same, they shall have power to borrow any sum of money not exceeding the amount so subscribed, at a rate of interest not exceeding seven per cent. per annum, payable semi-annually, in advance, and for the final payment of the principal and interest of said sum so subscribed or borrowed, to make, execute and deliver such bonds, notes and instruments of writing as may be necessary or proper to secure the payment of the money so subscribed or borrowed, and to levy and collect annually such taxes as, together with the tolls arising from said stock, will pay, at such time or times as may be agreed on, said money so subscribed or borrowed, with the interest thereon and incidental charges.

SEC. 5. That no subscription shall be made by the county commissioners of any county aforesaid, until a vote of the qualified voters of such county has been had, in favor of such subscription, in the manner pointed out in an act regulating the mode of proceeding, where county commissioners may be authorized by law to subscribe to the capital stock of railroads, turnpike roads, or other corporate companies in this State, passed February twenty-eighth, eighteen hundred and forty-six.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

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#### AN ACT

To lay out and establish a Free Turnpike Road in Wood county, and in relation to a State Road running from Mount Vernon, in Knox county, through Mansfield, in Richland county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Caleb Mercer and Freeman H. Ellsworth be and they are hereby appointed commissioners to lay out and establish a free turnpike road in the county of Wood, beginning at the Otsego and Blanchard Fork Free Turnpike Road, at the southwest corner of section one, in town four, north, of

range nine, east, and running thence east, along the section lines, to intersect the State road leading from Perrysburgh to Bucyrus at the southeast corner of section one, town four, north, range ten, east, varying from said line only where offsets on said range lines will render it necessary.

SEC. 2. That the county commissioners of Wood county be required to levy a tax, annually, for five years, in addition to the ordinary taxes for road purposes, on all lands within half a mile on each side of said road, of two cents on each acre, and a tax of one cent on each acre lying outside of said line of half a mile, within one mile of said road, to be expended thereon as other road taxes; and in all other respects said road shall be subject to and governed by the laws in force at the time being, in relation to free turnpike roads.

SEC. 3. That so much of the State road running from Mount Vernon, in Knox county, to Mansfield, in Richland county, as lies between the point where said road, as now used, leaves the section line, inclining to the west so as to run into West Diamond street of said town of Mansfield, and the point where the road running from Mansfield to Newville, in said county, intersects the section line in the southern part of said town of Mansfield, be and the same is hereby revived; and the same, running on the section line between said points, is hereby made and declared to be a public highway and a part of said State road. And it is hereby made the duty of the supervisor through whose district any part of said revived road may pass, to open the same and keep it open and clear of obstructions for the public use, as other State roads, and under the provisions and penalties provided in regard to other roads.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

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#### AN ACT

For the support and better regulation of Common Schools in the Lebanon district, in Warren county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the persons residing in said district, who are entitled by law to vote in district meetings therein, shall meet at the time and place of holding the annual election for members of the town council in the town of Lebanon, in said district, in the year one thousand eight hundred and forty-eight, and annually thereafter, and organize by appointing a chairman and secretary, and proceed to elect three additional directors of the common schools for said district, who shall act in conjunction with the three directors already elected, and who, together, will compose a board of six directors of the common schools for said district, two of whom shall serve one year, two for two years, and two for three years, the order of seniority to be determined by lot by said directors, after their election; and, annually thereafter, at the

number concur, have power to annul any certificate previously given, and the person holding the same shall be discharged from the public schools in said district. They shall also visit said schools at least as often as once in every quarter, observe the discipline, mode of instruction, progress of the scholars, and such other circumstances as they may deem of interest; and, semi-annually, they shall report their proceedings to the board of education, with such suggestions as they may think proper; and no teacher shall be employed to teach any of said schools, without a certificate from said examiners, as aforesaid.

SEC. 9. Annually, and at such other times as the board of education shall appoint, public examinations of all the scholars in said district shall be had, under the direction of the board of education and examiners.

SEC. 10. That so much of the general school law, and so much of any and all laws of this State as may be inconsistent with this act, or any of its provisions, is hereby repealed as to said district.

SEC. 11. The board of directors, when organized, shall have authority to complete any business that may remain unfinished in the hands of the directors of said school district on the taking effect of this act; to collect all moneys which may be due to, and to pay any debts which may be owing by said district. All books or papers belonging to said district shall be delivered over to said board of directors. It shall be the duty of the secretary of said board to keep, in a book to be provided for that purpose, an accurate record of the proceedings of the board, which shall, at all reasonable times, be subject to the inspection of any taxpayer in said district. And said board shall, annually, between the first and fifteenth of December, report, in writing, to the secretary of state, an account of their official proceedings for the preceding year, showing the amount of school funds apportioned and raised in the district, and how they have been expended; how many schools have been taught, for what time, and the amount of salaries paid to teachers; the number of pupils in the schools of each sex, and the average daily attendance; the number of teachers, male and female, and the amount paid to each; the branches of study taught in the schools; the amount raised by tax for purchasing, building, and repairing school houses, or for any other purpose, with an account of all the disbursements; and all other information, exhibiting the condition of education in said district, which may be deemed advantageous.

SEC. 12. That, before this act shall take effect, it shall be submitted to the legal voters of the district created by this act, who, at the annual corporation election, or at any such time as may be designated by the mayor and trustees of the town of Lebanon, of which fifteen days' notice shall be given by publication in the newspapers published in said town, shall vote in favor of or against the acceptance of this act, in such form as may be designated by said mayor and trustees; and if a majority of the votes given shall be in favor of this act, then it shall be in full force:

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.



## AN ACT

To revive and create permanently the office of Treasurer, in original township number one, in range number one, in the county of Hamilton, and for other purposes, and to give additional powers to the trustees of school section sixteen, in Green township, Hamilton county, and to authorize the sale of said school section.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the office of treasurer in original township number one, in range number one, in the township of Whitewater, and county of Hamilton, be and the same is hereby revived.

SEC. 2. That the trustees of said original township, and the treasurer, be and they are hereby formed into a body politic and corporate for the purpose of exercising and enjoying the rights and privileges hereinafter enumerated; and they shall be capable of suing and being sued, pleading and being impleaded, defending and being defended, in any court of law or equity in this State.

SEC. 3. The treasurer shall receive all the money arising from the rents of school land belonging to said township, or the interest arising from the sale of such land, and strike a dividend on all the money that may come into his hands (excepting one per cent., which he may retain as a fee for disbursing,) amongst the several school districts and parts of districts in said original township, agreeably to the enumeration of the white youth between the ages of four and twenty-one years, unmarried.

SEC. 4. The treasurer shall, on demand, pay to any school teacher, male or female, who may be employed by the directors of any school district or part of district, for any term not less than three months, their equal proportion of the money that said treasurer may have received: Provided, that such teacher shall present a certificate of qualifications from the examiners of teachers in said county, (within the limits said certificate shall qualify,) together with an order from two of the directors of their respective districts.

SEC. 5. The treasurer shall make an annual settlement with the trustees of said original township, on the first Monday in September of each year, for all the money that may have come into his hands for school purposes, and the orders from the directors which have been paid shall be passed to the credit of the treasurer and allowed by the trustees. Upon such settlement, the trustees shall certify to the treasurer the amount he has disbursed, designating the amount paid to each district, also the balance in the treasurer's hands, if any. The treasurer shall, within ten days thereafter, report to each district clerk the result of his settlement with the trustees for their respective districts, also the full amount of money, if any, belonging to said district, remaining after each settlement; and the district clerks shall make a report of the same at the annual district election thereafter.

SEC. 6. The district clerks, in each and every school district or fractional district in said original township, shall make a true and correct return of all the white unmarried youth between the age of four and twenty-one years, by the tenth day of October in each and every year, together with the term of time there has been school taught in their respective districts in each year, and the amount of money allowed for tuition.

SEC. 7. The treasurer shall be elected annually, and, before entering upon the duties of his office, shall take an oath or affirmation faithfully and impartially to discharge the duties of his office and pay over all money that

may come into his hands agreeably to the provisions of this act, and execute to the State of Ohio, in double the amount of money that may come into his hands for the use of said township, a bond, with two or more sufficient securities, conditioned for the faithful discharge of all the duties of his said office, agreeably to the provisions of this act; said bond to be approved by the trustees of said township, and deposited with the clerk of said original township.

SEC. 8. The trustees shall have a clerk, who may be one of their body, who shall make an entry of all their acts and doings; he shall keep an account with the treasurer of all moneys put into his hands by themselves, or by the auditor of said county. The trustees shall report to the auditor of said county, by their clerk, on or before the first day of November in each year, the amount of money put into the hands of the treasurer, together with their annual settlement with him. The said trustees shall have power to appoint a treasurer to fill any vacancy until the next election.

SEC. 9. The trustees and treasurer shall sell the land belonging to said original township, known and designated as land in place of section number sixteen in said township, sold by the United States, said land being situate in the township of Crosby, in the county of Hamilton, and being section number fifteen, in range one east, and township number two. The trustees shall employ a competent surveyor and chain carriers, and proceed to make such division of said section as shall, in their opinion, be calculated to enhance its value. The surveyor shall make a correct plat of his survey, appropriately numbering and describing each lot or parcel separately; and such survey shall be conclusive and valid.

SEC. 10. The trustees shall appoint three discreet and disinterested freeholders, residents of said county, to appraise said land, who shall take an oath or affirmation, before some person legally authorized to administer oaths in said county, to faithfully and diligently view, examine and appraise the different lots or parcels of land, as divided and numbered. The appraisers shall then proceed to view said premises, and place a fair cash value upon each and every lot or parcel exhibited to them by the trustees, agreeably to said survey, by the acre. The appraisers shall make a statement, in writing, of the value of each lot or parcel, as designated by its number, and shall certify the same to the trustees.

SEC. 11. The trustees shall, within ten days after said valuation or appraisal, forward a full and authenticated copy of the survey and appraisal to the auditor of Hamilton county, and shall cause to be made a record of the same in the records of said township.

SEC. 12. The trustees shall give notice of the sale of said land, by posting up advertisements in at least seven public places in the county, thirty days previous to the day of sale; they shall also cause the same to be published in some newspaper, in general circulation in said county, at least thirty days before the sale. The advertisements shall specify the time, place, and conditions of sale.

SEC. 13. The trustees shall employ a suitable person to sell the land, agreeably to the conditions in the advertisements, on or in view of the premises, offering each lot or parcel, as numbered, separately.

SEC. 14. Each and every lot or parcel shall bring the full amount of the appraised value, or the same shall not be sold. Should the appraised

value, or more, be offered for any or all of said lots, the highest bidder shall be the purchaser, by his paying one-fourth of the whole amount of the purchase money down, and six per cent. per annum on the residue and remaining three-fourths of the purchase money, also in advance.

SEC. 15. The purchaser or purchasers shall have a credit on the remaining three-fourths of said purchase money for the term of seven years, by paying six per cent. per annum interest on said sum, in advance, to the treasurer of said township.

SEC. 16. The trustees and treasurer of said township shall, upon the full compliance of the purchaser with the conditions of sale, execute to such purchaser or purchasers a good and sufficient title bond for a deed, in the name of said township, conditioned as follows: That, upon the purchaser, his heirs, executors, administrators or assigns, paying the interest at the rate of six per cent. per annum, yearly, in advance, or within sixty days thereafter, and at the expiration of said seven years, or sixty days thereafter, pay to the said treasurer the full amount of the purchase money, then the trustees and treasurer shall make and execute to said purchaser or purchasers a good and sufficient deed, in fee simple, for all lots thus sold, and the above conditions complied with.

SEC. 17. Should the purchaser or bidder fail to pay one-fourth of the whole amount that the lot would amount to at his bid and the interest at six per cent. in advance on the residue and remainder, said bid shall be null and of no effect; or should the purchaser pay down one-fourth of the purchase money and one year's interest in advance and receive a bond, and shall fail to pay the interest yearly in advance or within sixty days thereafter, then said bond shall be forfeited and void; or should the purchaser fail to pay the purchase money when due, or within sixty days thereafter, then said bond shall also be forfeited and null; and by either or all forfeitures of said bond, all that may have been paid shall belong to said original township for school purposes, and the land shall revert to said township as though it had never been sold, and shall be subject to a second sale, as other lots.

SEC. 18. The purchase money shall be paid to the treasurer of said original township, and by him forthwith forwarded to the auditor of Hamilton county; also, the trustees shall, within thirty days, transmit to said auditor a correct statement of all their sales at any and all times after any sale shall take place.

SEC. 19. The auditor of Hamilton county shall open an account with the trustees and treasurer of said original township number one, in range number one, in said county, and receive, from time to time, all money that may be paid as principal on any of the land as ordered for sale, and give to said treasurer his receipt for the same, which shall be a sufficient voucher to the treasurer for so much money.

SEC. 20. The auditor shall, as soon as he shall receive any money as above specified, forward the same to the State treasury as a school fund, to be under the control of the State school fund, the interest of the same annually to be sent specifically and in amount to said auditor, as a fund for said township, and by said auditor to be paid in amount to the treasurer of

said original township for school purposes, and by said treasurer distributed and disbursed as hereinbefore directed.

SEC. 21. Should any of said land remain unsold after being offered as aforesaid, the same may be sold at private sale by the trustees and treasurer, the purchaser giving the full amount of the appraised value under the regulations of sale as before directed.

SEC. 22. Should any of said land remain unsold two years after the same has been offered for sale, the trustees may order a revaluation of the same, and offer the lands under the foregoing provisions of sale, and thus continue if any remain unsold at the expiration of each two years, until the whole shall be sold and disposed of.

SEC. 23. The trustees shall continue to lease and control all the land that may not sell as heretofore provided, paying the rents, when collected, to the treasurer for school purposes as before directed.

SEC. 24. All the rents of unsold lots, and the interest on the purchase money paid by purchasers, excepting what will be necessary to pay the expense of sale, and officers and necessary expenses in repairs on said section, shall be paid to the treasurer, and by him, as above directed, disbursed in said original township, to pay for tuition.

SEC. 25. The trustees and treasurer shall have one dollar and fifty cents per day for their services while necessarily employed in the discharge of the duties required by this act, and shall pay all necessary expenses: when sale is made of any lot or lots, possession shall be given on the first of March.

SEC. 26. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed: this act to take effect and be in force from and after its passage: provided a majority of the votes given by the electors of said original township of Whitewater shall assent thereto, by an actual vote, to be taken at the annual April election: due notice of the taking of such vote shall be given by the trustees of said township, by posting up printed or written notices in twelve or more of the most public places in said township, at least ten days before such annual election.

SEC. 27. The trustees of the school section sixteen, of Green township, Hamilton county, be and they are hereby authorized to sell the school section sixteen of said township, under the same conditions, limitations and restrictions as are provided and prescribed in the foregoing act, save and except only that provision which requires the interest on the purchase money remaining unpaid, to be paid in advance; which provision they may, if they deem it conducive to the interest of said township, dispense with; and they are hereby authorized to provide for and prescribe, as to the payment of interest on the purchase money remaining unpaid, such conditions as they may deem most conducive to the interests of said township.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To provide for levying an additional road tax in Lafayette township, Medina county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Lafayette, Medina county, be and they are hereby authorized to levy a tax in addition to the tax now by law authorized to be levied for road purposes, not exceeding two hundred dollars on the taxable property of said township, to be expended by said trustees in building the east and west centre road, running across Chippewa swamp, in said township; which shall be collected in the same manner as other township road taxes are now by law: provided, that a majority of the legal votes cast at any meeting called by said trustees for the purpose, at any time, of which at least ten days' previous notice shall be given, by posting up printed or written notices, in at least five of the most public places in said township, shall be given in favor of said tax.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To authorize the commissioners of Perry county to locate roads, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Perry, with the consent of the directors and stockholders of the Zanesville and Maysville Turnpike Road Company, shall be authorized to vacate so much of the old State road passing through the west half of section nine, section sixteen, and the east half of section seventeen, in township sixteen, in range sixteen, Perry county, and occupy the said turnpike road as located and graded through said sections, and locate a road on the centre line of section seventeen, from said turnpike to said State road; and if said alterations are agreed to, the supervisors shall perform the proper labor as required by the existing law on so much of said turnpike road, any law to the contrary notwithstanding: provided, however, that nothing in this act contained shall be construed to give the directors of said Maysville and Zanesville Turnpike Road Company, the commissioners of said county of Perry, or the supervisor of roads any power or control over the graded part of said turnpike road in conflict with the rights or interests of any contractor under said company, or any one claiming under such contractor, or which would prevent such contractor or party interested, or his or their agents, from resuming the control of said road, at any time, for the purpose of completing the same, or for any other purpose.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To amend the act to incorporate Maumee City, in the county of Lucas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all taxes necessary to defray the current expenses of said city shall be assessed upon the real and personal property in said city subject to taxation for county purposes, according to the valuation thereof appearing upon the county duplicate during the year in which said tax shall be assessed for taxation for county and State purposes.

SEC. 2. That said city council shall, prior to the first Monday in June in each year, determine the per centum to be levied of said valuation, which said determination shall, on or before the first Monday of June annually, be certified to the auditor of the county of Lucas by the recorder of said city: provided, however, that the tax levied by said city council shall never in any one year exceed three mills on the dollar of the valuation of the property in said city subject to taxation.

SEC. 3. That the auditor of said county, in making out his duplicate of taxes assessed in said county, shall enter in a separate column of such duplicate the amount of tax levied by said city council for said city purposes, according to the per centum determined upon by said city council, and at the end of the duplicate shall make a certificate showing distinctly the total amount of the tax assessed for city purposes.

SEC. 4. That all special taxes assessed by said city council, according to the provisions of the act incorporating said city, for defraying the expenses of any improvement in said city, shall be reported by the recorder of said city to the auditor of said county, who shall, in making out the duplicate of State and county taxes next thereafter, enter such special tax in a separate column of such duplicate, to be collected as other taxes.

SEC. 5. That the treasurer of said county of Lucas shall collect said taxes so assessed as aforesaid for city purposes, in the same manner as other taxes upon the county duplicate are collected by him.

SEC. 6. That immediately after the annual settlement of the auditor with the treasurer of said county, said auditor shall certify to the treasurer of said city the amount of taxes collected by said county treasurer for said city, specifying in said certificate the respective amounts of the several funds thereof; and said county treasurer shall, upon the presentation of said certificate, forthwith pay over to the said city treasurer the amount certified to be in his hands as aforesaid, deducting therefrom five per cent., his fees for such collection.

SEC. 7. That the auditor of said county shall receive for his services, in making out such duplicate, ten cents for every hundred words, and counting every three figures as a word, to be paid out of the fund when collected.

SEC. 8. That no special tax shall be levied, as provided for in the twenty-eighth section of the act to which this is an amendment, unless upon petition of the owner or owners of not less than two-thirds in value of the property subject to be taxed for such improvements.

SEC. 9. That the boundary of said city, between the points where the boundary line intersects the northerly line of Sackett street and the south-westerly line of tract number six hundred and eighty-two, commonly known

as the Sackett tract, shall be as follows, to wit: from the westerly line of Canal street, westerly along the northerly line [of] Sackett street, and the same course as the northerly line of said Sackett street, continued to the south-westerly line of tract number six hundred and eighty-two, commonly called the Sackett tract.

SEC. 10. That all acts and parts of acts which are inconsistent herewith, are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

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AN ACT

To authorize the trustees of townships in Auglaize county to levy an additional road tax.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the provisions of an act entitled "an act to authorize the trustees of townships in certain counties to levy an additional road tax," passed February twenty-second, one thousand eight hundred and forty-eight, be and the same are hereby extended to and shall be in force in the county of Auglaize.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

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AN ACT

To incorporate the Butler and Warren Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That William Russell, Joseph Anderson, Dynes McCrary, John M. Williams, James Cowen and Allen Wright, of Warren county; H. Elliot, John D. Todhuntee, Andrew Boyd, Benjamin Cox, Asa Emmons and Jacob Mulford, of Butler county, and their associates, be and they are hereby created a body politic and corporate by the name of the Butler and Warren County Turnpike Road Company, for the purpose of constructing a turnpike road, commencing at some suitable point on the Middletown and West Chester turnpike road, in the vicinity of said Jacob Mulford, in Lemon township; thence on the most eligible route to Monroe, in said county; and thence, on the best route, all things being considered, to Lebanon, in the

county of Warren; which said company shall have all the rights, privileges and powers, and be subject to all the restrictions defined and specified in the act to provide for the regulation of turnpike companies, passed the seventh of January, eighteen hundred and seventeen, and the several acts amendatory thereto now in force, except in so far as the same may be modified or changed by the provisions of this act.

SEC. 2. That the capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each.

SEC. 3. That, whenever that portion of the road lying between the point of beginning and Monroe shall be finished, or whenever a like distance shall be finished west from Lebanon, then the said company may erect a gate or gates thereon, and collect tolls from all persons traveling said road not exempt from the payment of tolls by the terms of this act.

SEC. 4. That all persons going to or from their usual places of public worship on the Sabbath, funerals, military musters, and the troops and armies of the United States, may pass on such turnpike free from the payment of tolls.

SEC. 5. That said company are hereby authorized to collect tolls from all persons traveling on said road and not passing any tollgate, at the rate fixed by this act.

SEC. 6. That said company may contract with persons traveling said road and not passing a tollgate, for the use of any portion of said road by the year, and they may also contract with individuals to pass any tollgate or gates by the year: provided, that in no event shall they be allowed to charge for traveling said road at rates higher than those fixed by the terms of this act, if the amount of the travel can be ascertained before said contract is entered into or before said charge for toll is made.

SEC. 7. That said company shall be subject to the provisions of all acts now in force, or which may hereafter be enacted for the purpose of governing turnpike companies generally.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

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#### AN ACT

To incorporate the Fairfield County Savings Institute, at Lancaster.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That George Sanderson, Gideon Martin, Lippen Labenthal, F. C. Boving, Jacob Beck, S. A. Shaeffer, Samuel Berry, S. McCabe, and their associates and successors, shall be and are hereby created and made a corporation and body politic by the name and style of the "Fairfield County Savings Institute," and by that name shall have succession for ten years, and be capable in law to hold and dispose of property, to sue and be sued, plead



and be impleaded, answer and defend, and be answered and defended in courts of law and equity, or in any place whatever; and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever; and to make, have, and use a common seal, and the same to change and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provisions of this act, and to promote the lawful objects and design of said corporation.

SEC. 2. The capital stock of said company shall consist of twenty-five thousand dollars, divided into shares of ten dollars each; one tenth part of which shall be paid at the time of subscribing, and the residue as the board of directors of said company may require.

SEC. 3. Books for the subscription of said stock shall be opened at such time and place, and under such regulations as the persons above named, or a majority of them, may direct.

SEC. 4. The stock, property and funds of said corporation, shall be controlled and managed by a board of seven directors, the first election for which shall take place at such time and place as the persons above named, or a majority of them, shall designate; and an election therefor shall be held annually thereafter, under such regulations as may be prescribed by the board of directors: provided, that each board of directors shall serve until their successors are elected and qualified; and that a non-election at such time shall not be a forfeiture of this charter, but such election may be held at such other time as the directors shall appoint; and if they shall not appoint a time therefor, the same may be done at a meeting of the stockholders, which may be called at any time by those owning one-fourth of the stock; and in all meetings of the stockholders, each share shall entitle the holder to one vote.

SEC. 5. The directors shall have power to elect from their own body a president; to fill all vacancies in their own body; to appoint all such officers, agents and servants, as they shall deem necessary to conduct and execute the business and affairs of the institution; to fix their compensation, and in their discretion dismiss them; to take bonds to the corporation, from all or any of the officers, agents and servants, by them appointed, with adequate security conditioned in such form as they, the directors, shall prescribe, for the faithful execution of the several duties of such officers, agents and servants, and to secure the corporation from loss; to regulate the manner of making and receiving deposits; the form of certificates to be issued to depositors, and the manner of transferring the same; to provide for investing the funds of the corporation as they shall deem most safe and beneficial; to provide for paying all necessary expenses incurred in conducting the affairs of said corporation, and generally to pass all such bylaws as shall be necessary to the exercise of the powers vested in said corporation by their charter, and the said bylaws to alter or repeal.

SEC. 6. The said corporation shall be capable of receiving from any person or persons any deposit or deposits of money, upon interest, and the money so received shall be invested by said corporation in such manner as shall be deemed most beneficial: provided, that no part of the funds of said corporation, or of its deposits, shall be loaned, directly or indirectly, to any directors or officers of said corporation.

SEC. 7. Said corporation shall not purchase, hold or convey any goods, wares, merchandise, or real estate, except such as may be necessary for the transaction of its ordinary business, and such as it may acquire in payment of debts contracted, without reference to such modes of payment.

SEC. 8. The moneys deposited in said institution shall be regarded as the property of the depositor; and no part thereof shall be paid out by the officers of said institution but upon the order of the depositor, or his or her legally authorized agent, except for the purpose of being loaned or put at interest, or invested as aforesaid.

SEC. 9. Said corporation shall in no case loan money at a rate of interest exceeding the current legal rate of interest, payable in advance, nor issue any promissory note, bill of exchange, check, or other paper in any form designated or adapted to circulate as money, nor put in circulation any unauthorized bank paper.

SEC. 10. A book shall be kept at the office of said institution, in which every depositor shall have the privilege of appointing some person or persons, to whom, in the event of his or her death, the money shall be paid, if not otherwise disposed of by will.

SEC. 11. Said corporation shall, at least once in every six months, cause to be made a correct statement of its affairs, and publish the same in one or more of the newspapers printed in Lancaster.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1948.

#### AN ACT

To amend the act entitled "An act providing for the inspection of sawed lumber and shingles in Hamilton county," passed February 8, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the act entitled "an act providing for the inspection of sawed lumber and shingles in Hamilton county," passed February eighth, one thousand eight hundred and forty-seven, as provides for the inspection and marking of sawed lumber, be and the same is hereby repealed; and that hereafter in measuring sawed lumber, the qualities shall be determined, and the allowance made in the same manner as was heretofore provided for inspecting.

SEC. 2. That in addition to the three qualities of shingles provided for, there shall be a fourth, to be designated and marked in the manner provided in the act to which this is an amendment.

SEC. 3. That hereafter the fifth section of the before recited act, shall not be so construed as to require the inspection of shingles, unless such inspection shall be at the request of either the purchaser or seller, and that

the sixth section of the said act shall not be so construed as to require the measurement of sawed lumber, unless such measurement shall be at the request of either the purchaser or seller.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

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AN ACT

To incorporate the Xenia, Eaton and Indiana Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Abraham Hivling, A. H. Baughman, John Ankeny, and James Gallo-way, of Greene county; H. G. Phillips, R. P. Brown, and Joseph Barnet, of Montgomery county; Alfred Denny, Nathaniel Benjamin, and Ellis Minshall, of Preble county, are hereby created a body corporate with perpetual succession, by the name of the Xenia, Eaton and Indiana Railroad Company, with authority to construct a railroad from the town of Xenia, in Greene county, by the way of Eaton, in Preble county, to some point in the Indiana State line, in said county of Preble, with power to connect, with any railroad incorporated by the State of Indiana, and to continue their road into the State of Indiana to any point authorized by the General Assembly of said State.

SEC. 2. The capital stock of said company may consist of any amount not exceeding fifteen hundred thousand dollars.

SEC. 3. Said company shall have all the powers, and be subject to all the restrictions and provisions of the act "regulating railroad companies," passed February eleventh, one thousand eight hundred and forty-eight.

SEC. 4. The commissioners of any county through any part of which said road may pass, may subscribe to the capital stock of said company any amount not exceeding one per centum on the amount of all the taxable property on the duplicate of such county, and may borrow money on the bonds of said county, or issue the bonds of the county for the payment of such subscriptions, payable at such times and places as they may think proper, and bearing any interest not exceeding seven per centum per annum; and such commissioners shall provide means to pay the annual interest on the bonds so issued, and shall have power to provide, by the sale of such stock or otherwise, for the redemption of the bonds so issued: provided, that no subscription shall be made unless authorized by the legal voters of the proper county voting at the spring or fall election, in the manner and in all respects as required by the act regulating the mode of proceeding where county commissioners may be authorized by law to subscribe to the capital stock of railroads, turnpikes, or other incorporated companies in this State, passed February twenty-eight, eighteen hundred and forty-six.

SEC. 5. The county of Preble may make the subscription herein authorized, or any part thereof, to any other railroad which shall pass into or through said county.

SEC. 6. That said company may connect with any other railroad, on terms to be agreed upon by the companies interested, or may transfer its corporate rights and property to any such company with which it may connect, on such terms and conditions as may be authorized by the holders of a majority of its stock; and, after such transfer, the property, rights, and interests of the company hereby incorporated shall vest in and become the property of the company to which the same may be transferred, and thereafter become a part of such road in all respects as if said road had been originally constructed by the company to which the transfer is made, and thereafter this act shall be null and void.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To authorize the city council of Cincinnati to erect a market house, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That to enable the citizens of the city of Cincinnati within the district hereinafter described, to levy and collect a sum not exceeding twenty thousand dollars; for the purpose of aiding said city to purchase ground and erect and complete a market house thereon within the limits of the district aforesaid, it shall be lawful for the city council of said city and the citizens of said district, to elect assessors as hereinafter provided, whose duty it shall be, after being duly sworn for that purpose, to assess a sum not exceeding twenty thousand dollars upon the real estate within the limits of the district aforesaid.

SEC. 2. That said assessors shall be appointed in the manner and form following, to wit: one shall be appointed by the city council of said city, one by the legal voters owning real estate within the limits of the aforesaid district, at such time and place and in such manner as the city council of said city shall direct; and the two so appointed shall appoint a third, all of whom shall be men of good judgment and freeholders, but not interested within the limits of said district; and the persons so appointed, on being notified thereof by the clerk of said city council, shall proceed to discharge the duties imposed upon them by this act, and shall severally be entitled to and receive out of the city treasury two dollars per day for each day in which they may be engaged in the discharge of such duty.

SEC. 3. That said assessors, after being duly qualified and furnished by the clerk of the city council aforesaid, with a full and complete map or plat

of the whole district as hereinafter described, with the names of the owners of the real estate therein, and also the quantity each one owns carefully noted thereon, together with a diagram of the ground to be occupied by said market house and its adjacent space, shall, as soon as may be thereafter, proceed to the ground so platted, and carefully levy a tax pro rata on each foot of ground within said district according to the benefits to be derived from the proposed improvement, carefully taking into consideration the advantages and disadvantages which may result therefrom: provided, that the aggregate sum so assessed upon all the real estate within said limits shall not exceed the sum of twenty thousand dollars in the whole: and provided, further, that said assessors shall have power to set at their own appointments, and adjourn from day to day, though in no case shall their meetings continue for a longer period than four days in the whole.

SEC. 4. That when the said assessors shall have made up their report, signed with their names, they shall seal it up and direct it to the president of the city council of said city, and if it shall be accepted by a majority of the members of said council, such assessment shall be final, and shall in each case be a lien upon such real estate; and said city council shall proceed to collect such assessment in the same manner as in other cases of special tax.

SEC. 5. The district hereinbefore recited shall be limited and bounded as follows, to wit: beginning at a point on the east side of Elm street about twenty feet south of Pleasant Court, running north to the southeast corner of Elm street and Fifth street; thence up Fifth street east two hundred feet; thence on the north side of Fifth street at a point two hundred feet east of Elm street, and running west to the northeast corner of Elm and Fifth streets; thence on the east side of Elm street, north to Longworth street; thence on the west side of Elm street, at the southwest corner of Elm and Longworth streets, running to the northwest corner of Elm and Fifth streets; thence west, on the north side of Fifth street, to the northeast corner of Fifth and Plum streets; thence up to the east side of Plum street, north to the southeast corner of Plum and Longworth streets; thence on the west side of Plum street, commencing at the southwest corner of Plum and Longworth streets, and running south to the northwest corner of Plum and Fifth streets; thence on the north side of Fifth street, running west two hundred feet; thence on the south side of Fifth street, commencing at a point two hundred feet west of Plum street, and running east to the southwest corner of Plum and Fifth streets; thence on the west side of Plum street, south to Perry street; thence on the east side of Plum street, at a point two hundred feet south of Fifth street, running north one hundred feet or to the contemplated market space; thence on the south side of Fifth street, commencing at the contemplated southwest corner of market space and Plum street, running east one hundred and ninety feet to Home street; thence on the west side of Home street, running south to a point within one hundred feet of Fourth street; thence on the east side of Home street, commencing at a point one hundred feet north of Fourth street, and running north two hundred feet on the east side of Home street to the contemplated market space; thence from the contemplated southeast corner of Home street and the market space, on the south side of said

market space, running east one hundred and ninety feet, to the southwest corner of the contemplated market space and Elm street; thence south to a point within one hundred and sixty feet north of Fourth street.

SEC. 6. That before this act shall be in force, it shall be submitted to the legal voters owning real estate within the limits of the district as before recited, who shall decide by yea and nay in relation thereto, at a regular election to be holden for that purpose at such time and place within the district, and in such manner as the city council of said city shall direct; and if a majority of the legal voters shall then decide by voting "aye," in favor of the acceptance of this act, then said city council shall be authorized to proceed as before directed in causing the assessments herein provided for to be levied and collected for the purpose before mentioned, and for no other purpose whatever.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To authorize the Commissioners of Fairfield county to subscribe stock in a railroad company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Fairfield county, with the consent of a majority of the legal voters of said county, to be expressed as hereinafter provided, be and they are hereby authorized and required to subscribe, in the name and for the benefit of said county, to the capital stock of any company which is now, or may hereafter be incorporated, to construct a railroad from Lancaster, in said county, to Newark or Columbus, or from Lancaster to any point on any railroad which shall connect Newark and Columbus, the sum of one hundred thousand dollars: Provided, nevertheless, that a less sum may be by them subscribed, if the capital stock of such company be reduced by private subscription so as to leave less than one hundred thousand dollars thereof unsubscribed.

SEC. 2. That the commissioners of said county, for the purpose of paying the stock subscribed under this act, are hereby authorized to borrow the necessary amount of money, for which they shall issue bonds or obligations of the county, in amounts not less than one hundred dollars; which bonds or obligations shall be made negotiable, bearing interest, payable annually at such place and at such rate, not exceeding seven per centum per annum, as may be agreed upon; and such bonds or obligations may be made redeemable at such time as may be deemed expedient by said commissioners; or such bonds or obligations, or any part thereof, may be issued directly to said company in payment of said stock, as said commissioners and the officers of said company may agree.

SEC. 3. That said commissioners shall keep an accurate register of all bonds or obligations issued under the provisions of this act, showing the dates, numbers and amounts thereof, and to whom and when payable, and the rate of interest stipulated therein; and they shall also cause to be kept, in the office of the county auditor, such books and entries as will fully show all liabilities, receipts, disbursements and the precise state of the indebtedness of the county, in any way arising under this act.

SEC. 4. That the faith of the county, and the net profits or dividends upon the stock so subscribed by the county, shall stand pledged for the payment of the indebtedness and interest which may become due from said county under this act; and it is, moreover, hereby made the duty of the commissioners and the auditor of said county, from and after the contracting of any indebtedness against said county under this act, to add such per centum upon the tax duplicate of said county, annually, over and above the ordinary State and county taxes, as shall be sufficient, when added to the dividends or net profits aforesaid, to pay the accruing interests arising under this act, and also to provide a sinking fund of such amount as they may deem expedient; and the money so levied, when collected, shall be applied to the purpose aforesaid, and to none other.

SEC. 5. That said commissioners shall, by themselves or such agent or agents as they may appoint, have full power to vote at all meetings of the stockholders of such railroad company, in proportion to stock owned by the county, and in all other respects to act in the business of such company as individual stockholders in the same are authorized by law to do; and the said commissioners are hereby authorized, whenever they may deem the same expedient, to sell and transfer any or all stock owned by the county, in such company, in order to pay off the indebtedness which may arise under this act: Provided, however, that no sale or transfer of any stock shall be valid unless it produce its full par value; and the proceeds of such sale shall be applied to the extinguishment of an equivalent amount of the indebtedness of the county, created under this act.

SEC. 6. That before any stock shall be subscribed to such railroad company under this act, the question shall be submitted to the qualified electors of said county, whether the county shall become a subscriber or not; and to this end it is further provided, that, upon the written application of thirty or more citizens of said county to the sheriff of the same, thirty days prior to any annual spring or fall election, it shall be the duty of said sheriff to give notice, at least twenty days prior to said election, by advertisement in all the newspapers published in said county, and continue the same in said papers until the time of said election, that a vote will be taken for and against such subscription; and the said sheriff shall also publish in each of the said papers, for the same length of time, a copy of this act; and the qualified electors of the different townships of said county shall, at the election so given notice of by the sheriff, as aforesaid, vote for or against such subscription, by using one or the other of the following phrases, to be printed or written on their ballots, "for subscription," "against subscription."

SEC. 7. That the judges of said elections, in the several townships of said county, shall respectively keep a statement of all the votes given for and against said subscription at said elections; and, within three days after said elections, the judges of elections shall certify to the clerk of the court of com-

mon pleas of said county the number of votes given for and against the proposition ; and it is hereby made the duty of said clerk, in the presence of two justices of the peace of said county, to examine and make an abstract of all the votes given in the county against, and all the votes given in favor of subscription, which abstract shall be signed by said clerk and justices and filed in the office of said clerk ; and if it shall be found that more than half the votes given at said elections on the question shall be in favor of subscription, the clerk shall certify the same to the county commissioners, whose duty it shall be thereupon to subscribe for the stock in such railroad company, and in all other respects to conform themselves to the provisions of this act : Provided, that if a majority of the votes so given be against subscription, the question may, on a like application, be in like manner submitted to the qualified voters of said county, at the next or any subsequent annual spring or fall election ; and if, at such second or any subsequent elections, said question be decided by a majority of the votes given thereon in favor of subscription, such decision shall have the same effect and force as if made at the first election.

SEC. 8. That said commissioners shall allow said sheriff, auditor and the publishers of said papers, reasonable fees for their services under this act ; and the said commissioners shall be entitled to the same per diem allowance for the time occupied in the discharge of any of the duties imposed on them by this act as they are now, or may hereafter be, by law allowed for other services.

SEC. 9. That any two of said commissioners may do and perform any act or thing which the said commissioners are, by this act, authorized or required to do or perform.

SEC. 10. That this act shall take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To incorporate the Steubenville and Indiana Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio* That James Wilson, James Means, Nathaniel Dike, William McDonald, Daniel L. Collier, John Orr, John Andrews, David McGowan, James Gallagher, James McKinney, Roswell Marsh, James Turnbull, and Alexander Doyle, together with such as may hereafter become associated with them, their successors and assigns, be and they are hereby created a body corporate and politic by the name and style of the "Steubenville and Indiana Rail-



road Company," and as such shall have perpetual succession, and shall have and enjoy all the rights and privileges granted by, and be subject to all the restrictions and responsibilities imposed by the act entitled "an act regulating railroad companies," passed February eleventh, one thousand eight hundred and forty-eight.

SEC. 2. The capital stock of said company shall be three millions of dollars, divided into shares of fifty dollars each.

SEC. 3. Said company are hereby authorized to construct a railroad, with a single or double track, from Steubenville, in the county of Jefferson, by the route of Conotten creek, or Stillwater creek, as the one or the other may be judged by the company to be most eligible, to Mount Vernon, in the county of Knox; thence by the most eligible line to the Indiana State line, at any point between Willshire and Fort Recovery, inclusive: provided, that said company shall not be at liberty to locate and construct their road west of Mount Vernon on a line parallel to the line of road of any other railroad companies heretofore incorporated, which shall have organized and actually in good faith commenced the construction of their road before the company incorporated by this act shall have actually in good faith commenced the construction of that part of their road, nearer than twenty miles to the lines of said road, unless for the purpose of connecting therewith.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To incorporate the Akron and Pittsburgh Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Hiram Bowen, H. B. Spellman, Philander D. Hall, William S. C. Otis, and Simon Perkins, of Summit county; Zadoc Street, and Joseph J. Brooks, of Columbiana county; W. H. Canfield, U. H. Peak, and Stephen N. Sargeant, of Medina county; Ezra Stone, and Joseph M. Root, of Huron county; and E. D. Potter, and Joseph W. Scott, of Lucas county, be and they are hereby created a body corporate with perpetual succession, by the name of the Akron and Pittsburgh Railroad Company, with power to construct a railroad from the town of Akron, in Summit county, on a line passing by the town of New Lisbon, in Columbiana county, or on any line north of New Lisbon, to some point in the eastern boundary line of Ohio, in said county of Columbiana; or said company may locate and construct its road to any point on the Cleveland and Pittsburgh Railroad, and, by agreement between such companies, connect with the same: said company are also authorized to locate and construct its road from the town of Akron through the counties of Medina, Lorain, Sandusky, and intermediate coun;

ties, to the town of Perrysburgh, in Wood county, or any point on either side of the Maumee river north of said town of Perrysburgh: but said company shall forfeit its right to construct said road on that part of its line east of Akron, unless the construction thereof shall be commenced and the number of miles completed as required by the "act regulating railroad companies," and in like manner forfeit its right to construct the part of its road west of Akron, unless in like manner commenced and so much thereof be completed as is required by said act.

SEC. 2. The capital stock of said company shall be any amount not exceeding two millions of dollars.

SEC. 3. Said company shall have all the powers, and be subject to all the restrictions and provisions of the act "regulating railroad companies," passed February eleventh, one thousand eight hundred and forty-eight.

SEC. 4. That it shall be lawful for the stockholders or directors of this road to contract with the stockholders or directors of any road, now or hereafter to be incorporated by the laws of this State, for the purpose of connecting the said roads: provided, that said road shall be located in the line prescribed for the location of their road.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

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#### AN ACT

To incorporate the Dorr's Run Lateral Canal and Railroad Company, in Athens county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That J. Fisher Somers, Peter Hayden, John Wilkinson, Nicholas Wilkinson, and John Raine, of the county of Athens, be and they are hereby created a body corporate and politic by the name of the Dorr's Run Lateral Canal and Railroad Company, for the purpose of improving Dorr's run so as to render it navigable for canalboats any distance from its junction with the Hocking Valley canal not exceeding one mile; and to extend, from said point, railroads to their several coal mines.

SEC. 2. That said company shall have a capital stock of three thousand dollars, which capital stock shall only be appropriated (or so much of it as is necessary) for the purpose above named, and shall be divided into shares of twenty-five dollars each.

SEC. 3. Said company may demand and receive from all persons using said canal and railroad, for the transportation of property, such rates of toll as the board of public works may deem reasonable.

SEC. 4. Said company shall be responsible for any damage that may accrue from the construction of said improvement, and shall at no time obstruct the passage of any public road crossing the line of said improve-

ment, and all damages shall be ascertained in the manner provided for in the "act regulating railroad companies," passed February eleventh, eighteen hundred and forty-eight.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To amend an act entitled "An act for the support and better regulation of Common Schools in the city of Columbus," passed February 3d, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Columbus, on or before the first Monday in April, in every year, shall report in writing to the city council of said city, an estimate of the sum needed, in addition to the school fund derived from other sources, to defray the expenses of the common schools of said city, and keep the same in constant operation, except during reasonable vacations to be by said board established.

SEC. 2. That the president of the city council, after receiving the report mentioned in the first section, shall, on the approach of the next succeeding regular city election, cause a printed notice of the amount of money asked for in said report to be posted up for the same period, and in like manner as is or may be provided by law for giving notice of the election in other respects, and such notice shall require the voters of the city to vote for or against a tax to raise the amount called for in said report; and in case a majority of the legal votes given at such election shall be in favor of the tax, it shall be the duty of the city council to cause to be levied and collected, with the other taxes of said city, a sum equal to the estimate so reported by said board and voted for by the electors.

SEC. 3. This act shall take effect from and after its passage, and all laws and parts of laws inconsistent herewith, are hereby repealed.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To amend the act entitled "an act to incorporate the Springfield and Columbus Railroad Company," passed March 2, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Alexander Grimes, Jonathan D. Phillips, Valentine Winters and Joseph Barnett, of the county of Montgomery; William M. Murdock, Samuel

Parsons, David King and William Whitely, of the county of Clark; Michael L. Sullivant and Wray Thomas, of the county of Franklin; Henry Warner, Aquilla Toland and John McMullan, of Madison county, and those who may hereafter become stockholders in the manner hereinafter prescribed, their successors and assigns, be and they are hereby created a body corporate by the name and style of the Dayton, Springfield and Columbus Railroad Company, with perpetual succession; and by that name and style shall be and hereby are made capable in law to have, purchase, receive, possess, sell, convey and enjoy real and personal estate, and retain to them, their successors and assigns, all such lands, tenements and hereditaments, as shall be requisite and necessary for their accommodation and convenience in the transaction of their business; to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in courts of record and elsewhere; and also to have, make and use a common seal, and the same to alter, renew or break at pleasure.

SEC. 2. That said corporation are hereby vested with the right and authority to construct a railroad, commencing at the city of Dayton, in the county of Montgomery, and thence, by such route as the directors may select, to Springfield, in Clark county; and thence to such point on the Columbus and Xenia Railroad, at or westerly from the town of London, as the company owning such road may agree upon: Provided, that if the Mad River and Lake Erie Railroad Company shall, within one year from the passage of this act, commence the construction of that part of the road authorized by the charter of said company, which is between Dayton and Springfield, and shall complete ten miles of the same within two years, then the company hereby incorporated shall not construct a road between said points: and provided, further, that said Dayton, Springfield and Columbus Railroad shall not, at any point between Springfield and Columbus, deviate from a straight line southward more than one mile, if the Columbus and Xenia Railroad Company shall consent that said Dayton, Springfield and Columbus Railroad may be connected with said Columbus and Xenia Railroad at London, or some other convenient and suitable point.

SEC. 3. That the capital stock of said company shall be twelve hundred thousand dollars, and shall be divided into shares of fifty dollars each.

SEC. 4. That said company shall have all the rights, powers and privileges, and be subject to all the restrictions provided for in the act regulating railroad companies, passed February eleventh, one thousand eight hundred and forty-eight.

SEC. 5. That the first, second, third, fourth, sixth, seventeenth, eighteenth, nineteenth, twentieth and twenty-first sections of the act to which this is an amendment, shall be and the same are hereby repealed.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

## AN ACT

To incorporate the Ohio and Pennsylvania Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John S. Blakely, James Farmer and William Farmer, Jacob Harbaugh, Leonard Hanna, Henry H. Gregg, Zadock Street, Joseph J. Brooks and B. F. Hiddleston, of Columbiana county; Dwight Jarvis, Charles K. Skinner, David Carter, George W. Belden, Peter Hughes, John Unkefer and John Harris, of Stark county; Cyrus Spink, James Jacobs, Benjamin Jones, John Larwell, Thomas Robinson and S. F. Day, of Wayne county; Charles R. Denning, James M. Boyd, Joseph M. Comb, John S. Fulton, Luther M. Pratt, E. N. Gates and Hulbert Luther, of Ashland county; James Purdy, Thomas W. Bartley, Elijah W. Lake, Joseph Musgrave, E. Hedges and C. L. Avery, of Richland county; William M. Miller, John A. Gormley, Josiah Scott and Paul J. Hettick, of Crawford county; and Joseph McCutchen and David Ayres, of Wyandott county, are hereby created a body corporate, with perpetual succession, by the name of the Ohio and Pennsylvania Railroad Company, with power to construct a railroad from the town of Mansfield, in Richland county, eastwardly, by the way of the towns of Wooster, Massillon and Canton, to some point in the eastern boundary line of Ohio, within the county of Columbiana, as hereinafter provided; thence to the city of Pittsburgh, in the State of Pennsylvania; and from said town of Mansfield, westwardly, by the way of Bucyrus, in Crawford county, until it intersects the west line of the State of Ohio at such point as may be determined by said company to be most eligible; and said company may locate its road on any route from Canton by way of or north of North Georgetown, in Columbiana county, and thence by way of New Lisbon and the Little Beaver Valley, or on any line north thereof to the Pennsylvania line; or said company may continue its road from Canton to any point in the line of the Cleveland and Pittsburgh Railroad south of said village of North Georgetown aforesaid, and connect its road with said Cleveland and Pittsburgh road, on terms to be agreed upon by said companies, respectively.

SEC. 2. That the capital stock of said company shall be any amount not exceeding three millions of dollars.

SEC. 3. That the president and directors of the Cleveland and Pittsburgh Railroad Company are hereby authorized, in case the Ohio and Pennsylvania Railroad Company should be willing to locate any part of the road now incorporated upon ground already occupied by the Cleveland and Pittsburgh Railroad Company, to transfer any of the work they may have executed, at such price and upon such conditions as may be agreed upon between said companies, to the president and directors of the Pennsylvania and Ohio Railroad Company, and that thereafter the Cleveland and Pittsburgh Railroad Company may confine their operations to such portion of their road as may not be included in such agreement.

SEC. 4. This act to take effect in the State of Ohio from and after its passage; and that whenever the legislature of Pennsylvania shall pass a law giving their assent to and confirming the provisions of this act, with such alterations and modifications as shall be necessary and applicable to that part of said railroad and other works, as aforesaid, lying within the

limits of the State of Pennsylvania, then this act shall take effect and be in force in that State.

SEC. 5. Said company shall have all the powers and privileges, and be subject to all the restrictions and provisions of the "act regulating railroad companies," passed February eleventh, one thousand eight hundred and forty-eight.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To amend the charter of the Little Miami Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the capital stock of the Little Miami Railroad Company be and the same is hereby increased and extended to three millions of dollars; the additional stock to be subscribed and paid at such times and on such terms and in such manner as the board of directors shall direct.

SEC. 2. That the directors of said company are authorized to borrow, upon the credit of said company, any sum or sums of money not exceeding in all five hundred thousand dollars, at any rate of interest not exceeding seven per centum per annum, payable semi-annually, and for said loan to make and execute, in the name and behalf of said company, such bonds, promissory notes, or other evidences of debt, and payable at such times and places, and transferable and redeemable in such form and at such times and places as shall be agreed upon by the respective parties so contracting.

SEC. 3. That for the security of the money so borrowed, said directors may pledge, by mortgage or otherwise, their entire road fixtures and equipments, with all the appurtenances, income and resources thereof, without prejudice, however, to any previous liens on the same: provided, that nothing in this act contained shall be construed as pledging or authorizing to be pledged the State of Ohio, either directly or indirectly, for the payment of any part of the principal or interest of the loan aforesaid, further than may result from the lien that may attach to the stock now owned by the State in said company.

SEC. 4. That in lieu of constructing branch roads from the Little Miami railroad, as authorized by the thirteenth section of the act incorporating said company, the directors of said company may, when they deem it proper so to do, subscribe to the capital stock of any other railroad company who shall construct any railroad over or upon any ground upon which the said company is authorized to build branch roads, any number of shares not exceeding in amount the costs or estimated costs of constructing such branch road if built by said company; or, if said directors deem it proper, they may, after building any branch railroad as above, transfer the same to any other rail-

road company upon such terms as to them shall be deemed proper, and to receive in payment therefor, in whole or in part, the stock of any such railroad company at its par value.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

# AN ACT

To incorporate the Tiffin and Findlay Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Rufus W. Reed, Rezin W. Shawleau, William N. Montgomery, Lorenzo D. Shawleau, Martin Adams and Charles W. Foster, of the county of Seneca; and Thomas Kelley, John Eckles, Daniel Fairchild, William Porterfield and Squire Carlin, and their associates, be and they are hereby created a body corporate and politic, under the name of the Tiffin and Findlay Plank Road Company, for the purpose of constructing a plank road, and the necessary bridges and culverts, from the town of Tiffin, in Seneca county, by way of the town of Rome, in said Seneca county, to the town of Findlay, in Hancock county; which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, excepting so far as the same may be modified or changed by the provisions of this act.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each, and said company may enlarge the same, if they see proper, to any amount not exceeding one hundred thousand dollars.

SEC. 3. That if said company shall not be organized within one year after the passage of this act, and shall not, within two years thereafter, have at least one-half of said road completed, then this act shall cease and be null and void.

SEC. 4. Said company shall have power to construct said road of plank, extending not less than eight feet in width across the centre of the track; said plank to be not less than three inches thick, and firmly bedded upon the ground, and also resting upon sleepers imbedded in the ground, so as to be even with the surface of said road bed.

SEC. 5. That if said company shall deem it expedient, in the selection of the route or line of said road or in the construction of the same, to

connect it with or to use any road, street or bridge made or erected by any company or persons incorporated, or authorized by any law of this State, it shall be lawful for said company or persons, and they are hereby authorized to contract and agree with any such other corporation or persons for the right to use such road, street or bridge, or for the transfer of any of the corporate or other rights or privileges of such corporation or persons to the said company hereby incorporated; and all such other corporations and persons, incorporated by or acting under the laws of this State, are hereby authorized to make such agreement, contract or transfer, by and through their corporate officers, or by such persons as by any law of this State are entrusted with the direction and management of such road, street or bridge; and every contract or transfer made in pursuance of the authority hereby granted, when executed by the several parties under their respective corporate seals, or if they have no seal, then by the parties entrusted with the direction and management of such road, street or bridge, under their proper hands and seals, shall vest in said plank road company all the rights and privileges vested in said corporation or persons, which shall be specified in the contracts or agreements so to be entered into as aforesaid.

SEC. 6. That whenever it shall be necessary in the construction of said road to intersect, use or cross any other road or highway lying in or across the route of said road, it shall be lawful for said company to construct their said road upon, along or across the same; but said company, in so doing, shall make, place and keep such road or highway thus intersected and used, in such condition as not to impair its former usefulness; and such road or highway so taken and used by said company, while they shall continue to occupy and use the same, shall be under their exclusive direction, control and management.

SEC. 7. Said company shall have the right to place one half tollgate upon said road as soon as five successive miles thereof shall have been completed, and to increase the number of said tollgates as fast as said road shall be further completed, adding one for every five miles, or one full tollgate for every ten miles of said road; and the directors of said company are hereby authorized and empowered to annually establish and fix upon the rates of toll chargeable at each of the said gates: provided, however, that the rates of toll so by them established, shall in no case exceed the rates of toll chargeable by law, for the time being, upon the Maumee and Western Reserve road.

SEC. 8. The said corporation shall have power to locate and construct branches of said road from the main route to other towns or places in the several counties through which said road may pass, which branches shall in all respects be subject to the provisions of this act.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.



## AN ACT

To quiet the title of the northeast quarter of section twenty-five, in township three north, of range three east, in the county of Paulding.

**WHEREAS**, on the fifth day of October, one thousand eight hundred and forty-one, letters patent were issued by the president of the United States (in conformity to an act of Congress) to the trustees of Oxford township, in the county of Butler and State of Ohio, for the north half of section twenty-three, in township six, south, of range four, east, the northeast quarter of section twenty-five, in township three, north, of range three, east, and the division of the south half of section nineteen, lying west of the river, in township three, north, of range four, east, selected as school lands in lieu of section sixteen, to be subject to the same use, under the same management and liable to the same disposition in all respects, as section sixteen in said township of Oxford, granted for the use of schools, would by law have been; and, whereas, the said northeast quarter section twenty-five was, on the twenty-first day of June, in the year one thousand eight hundred and forty-two, sold by the State of Ohio to Shirley and Mason, who have laid out and established a town by the name of Junction, on said northeast quarter of section twenty-five, in the county of Paulding and State of Ohio, and have sold a number of lots in said town of Junction to several persons who have made improvements thereon; therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That Alfred Luce, Samuel B. Mollyneaux, and William H. Smith, trustees of said school lands, or their successors in office, are hereby authorized and empowered to settle with all or any of those persons whom they may believe have bona fide purchased of said Shirley and Mason or their assigns, any lot or lots in said town of Junction, so that any or all of said purchasers of said lots, or their assigns, may take the same at the appraised value, without regard to the improvements thereon made by said purchasers or their assigns, of the persons to be appointed by the court of common pleas in and for the county of Paulding aforesaid, on application for that purpose being made to said court by said trustees, on oath being administered by said court to the said persons so appointed as aforesaid, truly, faithfully and impartially to perform the duties of their appointment; one-twelfth of the appraised value thereof to be paid in money at the time of making such settlement, and the balance in eleven equal installments, with interest on the same to be paid annually, to be secured by mortgage on the premises or otherwise, to the satisfaction of said trustees.

**SEC. 2.** That the lots in the said town of Junction be sold as the same have been laid out and established by the said Shirley and Mason; and the said trustees are hereby authorized and empowered to lay out additional lots, with streets and alleys, on said northeast quarter of section twenty-five, and on the division of the south half of section nineteen, west of the river, and the same shall be appraised and sold according to the provisions of the act entitled "an act to regulate the sales of ministerial and school lands and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three: provided, that said

trustees shall have the power of limiting the number of lots to be sold at any one sale.

SEC. 3. That said trustees may lease, for any term not exceeding ten years, any of said lots that may remain unsold, by complying with the provisions of the general law of this State upon that subject, so far as the same are not inconsistent with the provisions of this act; and the trustees of the township of Oxford shall pay, out of any moneys belonging to said township, all reasonable costs and expenses incurred in carrying into effect this act, or in prosecuting any suit or action by said trustees, commenced for the recovery of the possession of all or any part of said land, where the same is not provided for by the several acts and laws above referred to.

SEC. 4. This act shall not be construed to affect in any manner, whatever, the titles of the respective claimants to all or any part of the said northeast quarter of section twenty-five, nor shall the State of Ohio in any manner be liable to said Shirley and Mason, or their assigns, or any persons holding under them, for more than the purchase money received by the State for said quarter section, with interest thereon.

SEC. 5. All moneys received by said trustees shall be paid into the State treasury for the use of Oxford township, as other moneys received for section sixteen.

SEC. 6. That the act entitled an act to quiet the title of the northeast quarter of section twenty-five, in township three, north, of range three, east, in the county of Paulding, passed February seven, one thousand eight hundred and forty-seven, be and the same is hereby repealed: provided, that all actions had, and suits commenced agreeably to the provisions of said act, shall not be affected by the repeal thereof.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

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#### AN ACT

Relating to the duties and powers of the County Commissioners of Hamilton county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the third section of the act entitled "an act relating to taxes in Hamilton county and the southern precinct of Millcreek township," passed February fifth, one thousand eight hundred and forty-seven, be and the same is hereby repealed.

SEC. 2. The county commissioners of Hamilton county shall not make, suffer, or cause to be made, any purchase or contract for any outlay of money for or on behalf of said county or any officer or officers of said county, the estimated value or expenses of which shall exceed fifty dollars, without first causing twenty days' notice of the same to be given in one or more newspapers of general circulation in said county, that proposals will be received for the performance of any job or work, or for furnishing any

goods, wares, merchandise, or materials for said county ; and the said county commissioners shall make, or cause to be made, such purchase or contract with the lowest and best bidder, upon such persons giving bond to the said county, with security, to be approved by the said county commissioners, that the work will be faithfully performed, and the goods, wares, merchandise or materials will be honestly delivered according to contract ; and in case of the failure on the part of such person, within a reasonable time, as may be fixed by said commissioners, to enter into bond, with the security aforesaid, then the said purchase or contract may be made with the next lowest and best bidder upon the same conditions or limitations, and so on until the purchase or contract is made with the person or persons who will undertake the same, giving bond and security therefor, at the lowest price and in the best manner : Provided, that this section shall not be construed to extend to the purchase of goods for the inmates of the jail, nor to the purchase and keeping of the horses for the sheriff of said county, nor to the compensation of the clerks employed in the public offices of said county : and provided, further, that the said commissioners may nevertheless dispense with the operation of this section in cases of urgent necessity.

SEC. 3. The county commissioners shall not hereafter make any purchase, or enter into any contract or engagement for the erection of any poor house, court house, bridge or culvert, or any other public building or improvement, by which a larger amount of money or expense is involved than five thousand dollars, without first submitting the question, as to the policy of such outlay or expense involved therein, to the qualified voters of said county, either at the annual spring or fall election, by giving public notice by handbills, to be posted up in at least five public places in each township and ward of said county, one of which handbills shall be posted up on the day of such election at the place where such election is held ; and all purchases hereafter made, or contracts entered into, without carrying out the intent of this section, and in violation of it, shall be absolutely void as against said county, unless such purchase, contract, or the erection of such building or public improvement shall first be approved by a majority of the votes cast at such election.

SEC. 4. It is hereby made the duty of the said county commissioners to ascertain, as soon as possible, the outstanding orders, claims or debts against said county ; and the said commissioners are hereby authorized and directed to levy, on the grand duplicate of said county, the necessary tax to pay in full all such outstanding orders, claims or debts, within the current year.

SEC. 5. The said county commissioners are hereby authorized and directed to levy a tax, not exceeding one mill, on the grand duplicate of said county, for the purchase of the premises hereinafter described, whenever a majority of the legal voters of said county shall authorize the said purchase in the manner provided in the third section ; and said commissioners shall, at all times hereafter, levy a sufficient amount of taxes to pay all and every item within each current year, for which the said commissioners are by law authorized to levy taxes ; and no interest shall be allowed on any order hereafter issued on the treasury of said county : Provided, that this section shall not be construed to extend to loans specially authorized by existing laws.

SEC. 6. The said commissioners are hereby authorized and directed, if

the interests of said county, true economy, and the comfort of the prisoners, in their opinion, require it, to enter into the necessary and proper arrangements, so that, as soon as possible hereafter, any person or persons sentenced by the court of common pleas of said county to labor under the supervision of said commissioners, shall be employed within the walls of the jail of said county at such work or business which does as little as possible interfere with free mechanical labor in said county.

SEC. 7. That if any owner or owners, holder or holders of any part of the real estate, and the improvements on all those certain lots of land lying and being comprised within Main street, north and south Court streets, and Sycamore street, and being certain lots of land necessary so that the present court house lot and north and south Court streets may be extended, at right angles, to Sycamore street, in the city of Cincinnati, shall refuse to sell, for the purposes herein provided, such part or parts of the same, owned by them or either of them, for a fair, reasonable rate or price, then and in that case the county commissioners, aforesaid, are hereby authorized and required to apply to the court of common pleas of said county for the appointment of three disinterested freeholders, well acquainted with the value of real estate in said county, and especially in the city of Cincinnati, which assessors the said court is hereby directed to appoint, and whose duty it shall be to ascertain and assess the value of such real estate. They shall be sworn, by some person competent to administer oaths, faithfully and impartially to execute their duties in making such assessment; and after being sworn, they shall proceed to determine and award to the owner or owners, holder or holders of such real estate, such damages and fair value for such real estate as they shall judge right and proper: their determination and assessment, as aforesaid, shall be returned, in writing, by the said assessors, signed by them or a majority of them, to the clerk of the court of common pleas, a correct copy of which return the said clerk shall transmit to the owner or owners, holder or holders of such real estate; and if, after the expiration of ten days from the time which such copy is transmitted, as aforesaid, no objections are made to such return or award, then the court of common pleas, if it deem the action of the said assessors correct and fair, shall confirm the same, and condemn such real estate for the purposes aforesaid. Should objections be made, the person or persons interested shall be heard, by themselves or counsel, on such day as the court shall for that purpose appoint; and if the court shall hold the objections are well founded, it shall then appoint new assessors to make a final re-assessment and determination, which new board of assessors shall proceed precisely as before described for the first board, and their re-assessment and award, when confirmed by the court of common pleas, shall be final and conclusive on all parties interested; and the said county commissioners are hereby authorized to take full possession of such real estate, for the uses aforesaid, by paying or tendering to such owner or owners, holder or holders of the same, the award of the court of common pleas based upon the provisions of this section.

SEC. 8. That whenever, hereafter, the persons residing or owning property on any county road, except the one referred to in the act entitled "an act for the improvement and repair of the Cincinnati and Carthage road, and for other purposes," passed February fourth, one thousand eight

hundred and forty-eight, shall, at their own expense, by private subscription, put not less than three miles of any such county road into complete order as a good macadamized road, as prescribed in the eighth section of the act already referred to, which the said inhabitants and owners of property are hereby authorized to do, then the county commissioners of said county be and they are hereby authorized, if they find, upon actual view, such road in the order required by law, to erect one or more gates thereon, at such point as may be deemed advisable by them, and collect sufficient tolls, from all persons traveling on any such road, to pay the actual cost of keeping said road in repair, and no more. Such tolls shall, for that purpose, be properly graduated and reduced, and in no case to exceed the tolls authorized by the act already referred to; and the said commissioners shall, with reference to these roads, so far as the provisions of the said act may be applicable, have the same powers, except the power to borrow money, and be subject to the same forms, conditions, limitations and restrictions, as are provided for the roads referred to and affected by the above recited act.

SEC. 9. That hereafter it shall not be necessary for the clerks of the different courts now in the county of Hamilton, or the recorder of said county, to account to the county commissioners for any fees hereafter accruing or collected in pursuance of law by such clerks or recorder, and all such fees shall belong to them in their own proper persons; and the said clerks and recorder shall, hereafter, themselves, pay all the expenses incident to such offices for all blanks, deputies, clerk or other hire; and in no case hereafter shall any money be paid out of the treasury of said county for any such expenses: Provided, that for all fees now due, or now accrued, or now in the hands of any of said officers, the said officers shall still be held accountable to said county.

SEC. 10. That the clerks of said courts shall hereafter charge the sum of twenty-five cents for issuing naturalization papers, and no more, instead of thirty-seven and a half cents, as now allowed by law.

SEC. 11. The recorder of said county hereafter shall not be allowed to charge, for recording, more than the sum of eight cents for each hundred words.

SEC. 12. That so much of any acts or parts of any acts inconsistent with this act, be and the same are hereby repealed.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

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#### AN ACT

To regulate the sale of intoxicating liquors in the town of Cuyahoga Falls.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall not be lawful, within the town of Cuyahoga Falls, for any person or persons to sell, or, by any artifice or device under pretence of giving away, dispose of, for any compensation in money or property, either directly

or indirectly, to any other person or persons, in any quantity less than five gallons, any intoxicating liquors for other than mechanical, medicinal, or sacramental purposes; and that if any person or persons shall, for any other than the aforesaid purposes, barter, sell, or, by any artifice or device under pretence of giving away, dispose of, for any compensation in money or property, either directly or indirectly, to any other person or persons, any vinous, spirituous or intoxicating liquor, in any quantity less than five gallons, such person or persons shall forfeit and pay for every such offence not less than five nor more than fifty dollars, to be recovered by action of debt before the mayor of said town, or any justice of the peace within the county of Summit, and in default thereof shall be committed to the jail of said county until the fine is paid, but in no case beyond the period of thirty days.

SEC. 2. The sale or other disposal of intoxicating liquors to persons of notoriously intemperate habits, shall, in all cases, be considered as violations of this law by the mayor or justice of the peace before whom prosecution for such offence is made, unless proof is made to the contrary by the person or persons prosecuted.

SEC. 3. All prosecutions under this act shall be commenced within sixty days after the offence is committed, and all fines accruing from such prosecutions shall be collected in the name of the State of Ohio, as in other cases of the breach of the peace; and after the ~~month~~ of prosecution are paid, the balance shall be paid into the treasury of said town of Cuyahoga Falls, for the use of common schools in said town.

SEC. 4. All judgments recovered under the provisions of this act shall be a lien upon the premises where the offence was committed, according to the provisions and restrictions of the sixth section of the act entitled "an act to regulate the sale of intoxicating liquors," passed February eight, one thousand eight hundred and forty-seven.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

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#### AN ACT

To repeal the act to enlarge the corporate limits of the town of Zanesville: Also, to repeal the act to incorporate the Lutheran and German Reformed Church and Society of New Rumley, in the county of Harrison: Also, to authorize the city of Toledo to levy a tax for the construction of sewers.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the "act to enlarge the corporate limits of the town of Zanesville," passed March eighteen, one thousand eight hundred and thirty-nine, be and the same is hereby repealed.

SEC. 2. That the act entitled "an act to incorporate the Lutheran and German Reformed Church and Society of New Rumley, in the county of Harrison," passed January twenty-six, one thousand eight hundred and thirty-six, be and the same is hereby repealed.

SEC. 3. That the common council of the city of Toledo shall have power to levy, by special assessment, a tax upon all or any lots of land adjoining to, or in any low grounds in said city, for the construction of sewers for the purpose of draining the same, and they shall be governed in the levying and assessment and collection of said tax by the laws now in force in said city, for the levying, assessment and collection of taxes for the construction and repair of cross and sidewalks.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 25, 1848.

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AN ACT

To lay out and establish the Mt. Vernon, Bennington and Delaware Free Turnpike Road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Alexander Needles, John Beebe, Edward R. Shotwell, T. L. Freeman, Josiah Herr, Micajah Dillingham, of the county of Morrow; and Horatio P. Havens, of Delaware county; and Jacob Davis, of Knox county, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, to commence on the west bank of Owl creek and opposite Mt. Vernon, in Knox county, and run thence westerly, via Sparta, in Knox county; thence west, via Freeman's, in Delaware county, to Benedict's mill; thence southwest, via Potter's tavern and W. Joys', to Delaware, in Delaware county: said road to follow the track of roads already established, except alterations are made to shorten the distance or improve the track.

SEC. 2. That said commissioners and their successors shall be a body corporate by the name and style of the Mt. Vernon, Bennington and Delaware Free Turnpike Road, and shall be governed in all their proceedings by the provisions of the "act to provide for laying out and establishing free turnpike roads," passed March twelfth, one thousand eight hundred and forty-five, and the acts amendatory thereto, except so far as the same may be modified or changed by this act.

SEC. 3. That the county commissioners of the counties of Delaware, Morrow and Knox, be and they are hereby required, at their June session in the year one thousand eight hundred and forty-eight, and annually thereafter, at their March session in each year, to levy a tax of two mills on each dollar of the valuation of all property real and personal within one mile on each side of said road, and cause a copy of such assessment, to be furnished to the president of the board of commissioners, herein named, annually, on or before the first Monday of April: the aforesaid tax shall be assessed and collected upon the grand duplicate of the aforesaid counties the same as other taxes for State and county purposes.

SEC. 4. That the aforesaid commissioners and their successors in office, or a majority of them, be and they are hereby authorized to locate and construct said road in a substantial and durable manner, and for all labor performed, or materials furnished in the construction or repair of said road, said commissioners are hereby authorized and required to give to the contractors and laborers on said road a certificate of such amount as may be due them, directed to the county auditor who is required to issue orders on the county treasurer for the amount due the holders of said certificate payable out of the funds arising from the proceeds of the aforesaid taxes; said orders shall draw interest from their date at the rate of six per cent. per annum: after the auditor and treasurer of the above named counties shall have made their annual settlement, the county auditors of their respective counties shall declare a dividend, to be paid on said orders out of said fund in proportion to the amount of orders issued and outstanding, which amount shall be paid by the treasurer on the presentation of said orders: provided, that in no case the amount of orders issued shall exceed the amount of taxes assessed for the current year.

SEC. 5. That the inhabitants residing on the road from Woodbury, in Delaware county, to the Fredericktown road, in Knox county, and thence to its intersection with the Mt. Vernon, Bennington and Delaware free turnpike road, be and they are hereby exempt from the provisions of this act: this act to take effect from and after its passage.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 25, 1848.

#### AN ACT

To incorporate the Circleville, and the Port William, New Burlington and Adelphi turnpike road companies.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That William Gill, Charles Shoemaker, Samuel Seals, Elias T. Leist, J. G. Doddridge, William P. Darst, N. S. Gregg, and James Bell, of the county of Pickaway; and Samuel Hannigen, John Patterson, and David Haldennan, of the county of Ross, and their associates, be and they are hereby created a body corporate under the name of the Circleville and Adelphi Turnpike Road Company, for the purpose of constructing a turnpike road, to commence at the town of Circleville, and from thence to the town of Adelphi, in Ross county, by Leistsville, in Pickaway county; which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.



SEC. 2. The capital stock of said company shall be an amount sufficient to construct said road, not to exceed thirty thousand dollars, divided into shares of ten dollars.

SEC. 3. The commissioners named in the first section of this act shall meet in the town of Circleville, in Pickaway county, at such time as they may deem best, and proceed to organize said company, by the election of a president and clerk out of their own number, and to take order for opening of books for the subscription of stock, agreeably to the second section of said act to provide for the regulation of turnpike companies.

SEC. 4. That so soon as five thousand dollars of the capital stock of said company shall be subscribed, the said company shall call a meeting of the stockholders, in the manner prescribed by the third section of said act to provide for the regulation of turnpike companies, for the election of five directors for the government of said company.

SEC. 5. That said company be authorized to demand and receive, from persons traveling said road, the following tolls for every ten miles travel on said road, and in the same proportion for a less distance, to wit :

For every four wheeled carriage, other than pleasure carriages, drawn by two horses, oxen or other animals, twenty cents ; and each additional animal, five cents ;

For every horse and rider, five cents ;

For every horse, mule or ass, six months old or upwards, led or driven, three cents ;

For every head of neat cattle, six months old or upwards, one cent ;

For every head of sheep or hogs, one-half cent ;

For every four wheeled pleasure carriage, drawn by two horses or other animals, twenty-five cents ; for each additional animal, five cents ;

For every two wheeled pleasure carriage, drawn by one horse or other animal, ten cents ;

For every four wheeled pleasure carriage or buggy, drawn by one horse or other animal, fifteen cents ;

For every stage coach, drawn by four horses, or other animals, fifty cents ;

For every cart drawn by one horse or mule, or two oxen, ten cents ; for every horse, mule or ox in addition, five cents.

SEC. 6. That whenever five continuous miles of said road are completed, according to the provisions of the said act for the regulation of turnpike companies, the aforesaid company may erect a gate, and collect tolls from persons traveling said road, at the above specified rates.

SEC. 7. That John Speer, Samuel Compton, John Grant, Harvey Conklin, and Samuel Lemar, and their associates and successors, be and they are hereby created a body corporate under the name of the Port William and New Burlington Turnpike Road Company, for the purpose of constructing a turnpike road from the town of Port William, in the county of Clinton, to the town of Lumberton ; thence to New Burlington ; thence to near Claysville, on the Little Miami railroad ; thence to the most convenient point on the Cincinnati, Lebanon and Springfield Turnpike Road, at or near Evans' mill ; which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide

for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto.

SEC. 8. The capital stock of said last named company may be eight thousand dollars, divided into shares of twenty-five dollars each.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

#### AN ACT

To authorize the sale of the southeast quarter of section thirty-three and the southwest quarter of section thirty-five, township number five, south, of range number four, Mercer county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the southeast quarter of section thirty-three, and the southwest quarter of section thirty-five, township number five, south, of range number four, east, in Mercer county, be and the same is hereby authorized to be sold: Provided, no part thereof shall be sold for less than the appraised value thereof; and such sale shall, in all respects, be conducted and governed by the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty-three, and in accordance with an act entitled "an act to fix the minimum price of the sale of school lands," passed March fourth, one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 25, 1848.

#### AN ACT

To give certain powers to the Commissioners of Hamilton county, with reference to the Montgomery and Cincinnati Road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Hamilton be and they are hereby authorized to enter into and perfect any and all arrangements which to them may seem most conducive to the interests of said county, with the directors or stockholders of the Cincinnati, Montgomery, Hopkinsville, Rochester and Clarksville Turnpike Company, with reference to the road mentioned in the eighth section of the act entitled "an act for the improvement

and repair of the Cincinnati and Carthage road, and for other purposes," passed February fourth, one thousand eight hundred and forty-eight; and the said commissioners are hereby authorized to surrender and transfer to such company any part or portion, or the whole of said road, any and all culverts or bridges on the same, at such price and on such terms and conditions as, after a full and fair examination of the value of such road, or any part of it, and after considering all the facts and circumstances connected therewith, may to them seem right and proper; and the said company is hereby also authorized to enter into and perfect all such arrangements; and from the time such road, or any part or portion of it, shall be so surrendered and transferred, as aforesaid, the aforesaid company shall, on the road, or the part or portion so transferred, have the same powers and be subject to the same duties and liabilities as are prescribed for said company over any portion of the turnpike road now owned by such company in its original charter, except so far as the powers therein given may be modified by any of the arrangements entered into as aforesaid.

SEC. 2. The said company shall thereafter be called the Montgomery and Hopkinsville Turnpike Company.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 25, 1948.

#### AN ACT

To incorporate the Bellefontaine and Indiana Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Merrill, T. J. Anderson, Orren Patten, J. J. Williams, John Kramer, T. Henderson, J. E. Davids, James H. Godman, T. B. Fisher, of Marion county; B. Stanton, N. B. McCulloch, Walter Slicer, Andrew Gardner, Isaac S. Gardner, Wm. G. Kennedy, Henry Miller, Josiah Carr, Wm. Thomas, of Logan county; Patrick G. Goode, John Mills, James McCullough, Hugh Thompson, Samuel Maxwell, Jason Taylor, John Lenox, of Shelby county, and their successors, associates and assigns, be and they are hereby created a body corporate and politic forever, by the name and style of the Bellefontaine and Indiana Railroad Company, with perpetual succession; and, by that name and style shall be entitled to have, enjoy, and hereby are vested with all the rights, privileges, powers and franchises, and be subject to all the restrictions of the act entitled "an act regulating railroad companies," passed February eleventh, eighteen hundred and forty-eight, except in so far as the same may be modified by the provisions of this act.

SEC. 2. That the capital stock of said company shall be two millions of dollars.

SEC. 3. That said company shall have power to construct a railroad, commencing at Marion, in Marion county; thence to Bellefontaine, in Lo-

gan county; thence, by the way of Logansville and Port Jefferson, (if, in the opinion of the directors of said company, the said towns of Logansville and Port Jefferson can be made points on said road without prejudicing the general interests thereof,) to Sidney, in Shelby county; thence to Greenville, in Darke county; and thence, on such route as the directors of said company, or a majority of them, may select, to the west line of the State of Ohio, within the said county of Darke; but if, in the opinion of the directors of said company, it shall be impracticable to locate and construct said road by way of Greenville, the said company shall have power to locate, construct and maintain said road on such route as the directors of said company may determine; and said company shall have power to locate, construct and maintain a railroad from the main line of said road to Greenville, and to have, exercise and enjoy all powers, rights and privileges over said branch road, as over the main line of said road.

SEC. 4. That the county commissioners of any county through which said railroad may be located, shall be and they are hereby authorized to subscribe to the capital stock of said company any sum not exceeding fifty thousand dollars; and to pay the same, they shall have power to borrow any sum of money not exceeding the amount so subscribed, at a rate of interest not exceeding seven per cent. per annum, payable semi-annually in advance, and for the final payment of the principal and interest of said sum, so subscribed or borrowed, to make, execute and deliver such bonds, notes and instruments of writing as may be necessary or proper to secure the payment of the money so subscribed or borrowed, and to levy and collect, annually, such taxes as, together with the tolls arising from said stock, will pay, at such time or times as may be agreed on, said money so subscribed or borrowed, with the interest thereon and the incidental charges.

SEC. 5. That no subscription shall be made by the county commissioners of any county aforesaid, until a vote of the qualified voters of such county has been had in favor of such subscription, in the manner pointed out in an act regulating the mode of proceeding where county commissioners may be authorized by law to subscribe to the capital stock of railroads, turnpike roads, or other incorporated companies in this State, passed February twenty-eighth, eighteen hundred and forty-six.

SEC. 6. That said company shall be and is hereby authorized and shall have power to build and construct a railroad to the county seat of not more than one county adjoining a county in which any part of the railroad aforesaid may be located; but such right shall cease unless such branch road is located within one year, commenced within three years, and completed within seven years.

SEC. 7. That said company shall be and is hereby authorized to connect with any other railroad company, and to consolidate its capital stock with the capital stock of such company, and to have and use the name and style of any such other company and constitute a part of the same.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 25, 1848.

# RESOLUTIONS.

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## RESOLUTION

For the relief of David T. Disney, and others.

*Resolved by the General Assembly of the State of Ohio,* That the quartermaster general be and he is hereby authorized to enter satisfaction upon a judgment rendered in behalf of the State of Ohio, in the superior court of Cincinnati at the January term in the year eighteen hundred and thirty-nine, against David T. Disney, Israel Ludlow, and Joseph Graham, for the sum of one thousand and seventy-two dollars and sixty cents damage with costs, upon the delivery of an order from the executive of the State of Texas on the ordnance department at Washington for an equal amount of arms and accoutrements in lieu of the arms taken from Ohio, and for which said judgment was obtained, and upon furnishing evidence to the quartermaster general that the costs and attorney's fees are paid.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

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## RESOLUTION

Relative to the quadrennial apportionment and districting of the State for the election of Senators and Representatives.

*Resolved, by the Senate and House of Representatives,* That a joint special committee, to consist of five senators and ten representatives, be appointed on the subject of the quadrennial apportionment of the State, and required to report a bill districting the State for the election of senators and representatives.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

## RESOLUTION

Relative to amendment of the Constitution.

*Resolved, by the Senate and House of Representatives of Ohio, That a committee of three on the part of the Senate, and six members on the part of the House, be appointed by the speakers of the respective branches, to which committee shall be referred all petitions, bills and resolutions having for their object, or in any manner relating to a calling of a convention of the people to alter or amend the existing constitution of this State, and it is hereby made the duty of said committees on said constitutional reform to collect all the information conveniently within their reach, touching the great and important question, and to report by bill or otherwise in time for the action of this General Assembly.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

## RESOLUTION

Declaratory of the meaning of the resolution heretofore passed relative to prayer in both branches by the clergy of Columbus.

*Resolved, by the Senate and House of Representatives, That in passing the original resolution of the present session inviting the resident clergymen of the city of Columbus to make an arrangement among themselves for the attendance, each morning, of one of their number upon each branch of this General Assembly during the present session thereof, for the purpose of opening the proceedings of said bodies respectively by prayer, that it was the intention of said Senate and House of Representatives that all the resident clergymen of said city, without distinction of sect or creeds, should be invited to participate in such arrangement, and that if any such clergymen have not been invited to participate in such arrangement, that the clergymen who made the subsisting arrangement be and they are hereby requested to extend to such as have been so omitted, the invitation so provided for as aforesaid, and to modify the subsisting arrangement accordingly.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

## PREAMBLE AND RESOLUTION

Relative to Henry Johnson, one of the "Johnson boys."

**WHEREAS**, Henry Johnson, of Washington county, one of the heroic Johnson boys, who delivered themselves from savage captivity and the prospect of a horrid death by killing two Delaware Indians, after having spent a youth of hardship as a ranger on the frontier, enduring the severest privations with most inadequate compensation, is now passing through an old age of indigence; and it is right and proper that acts of noble daring, especially when connected with long and meritorious services, should receive some reward from a grateful and admiring country; therefore,

*Be it resolved, by the General Assembly of the State of Ohio*, That our senators and representatives in Congress be requested to use their exertions to obtain the passage of an act to place the said Henry Johnson on the pension roll, at a rate not less than eight dollars per month.

That the governor be requested to transmit a copy of this resolution to each of [our] senators and representatives.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

## RESOLUTION

Relative to printing the report relative to the affairs of the Zanesville and Maysville Turnpike Road Company.

*Resolved, by the Senate and House of Representatives*, That one thousand copies of the special report of the board of public works, relative to the Zanesville and Maysville Turnpike Road Company, be printed for the use of the members of this General Assembly.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

## RESOLUTION

Relative to the postage of Members and Clerks.

*Resolved, by the Senate and House of Representatives of the State of Ohio*, That the speakers of the two Houses be and they are hereby authorized and required to audit and allow for payment out of the State treasury,

the postage accounts of the members, clerks and sergeant-at-arms of both Houses of the present General Assembly, on all letters and papers on public business by them received, and on all letters and papers, and on all public documents ordered by either or both Houses to be printed, which members the clerks or sergeant-at-arms may deem proper to frank.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

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RESOLUTION

Relative to appointing a committee to prepare joint rules for the government of the two Houses.

*Resolved, by the Senate and House of Representatives,* That a joint select committee consisting of three members on the part of the House, and two on the part of the Senate, be appointed to report joint standing rules for the government of the two Houses.

*Resolved,* That the standing rules of the last General Assembly be adopted as joint rules governing the two Houses until others are adopted.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

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RESOLUTION

Relative to requiring the Clerks of the two Houses to procure Skeleton Maps of the State of Ohio for the use of the Members.

*Resolved, by the Senate and House of Representatives,* That the clerks of the two Houses be and they are hereby authorized to purchase from Mr. Eli T. Tappan, one of the plain copies of his proposed statistical map for each member of this General Assembly, and that provision for the payment thereof be made in the general appropriation bill.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.



## RESOLUTION

Calling upon Board of Public Works for information relative to their action under a resolution in reference to adjusting certain claims.

*Resolved, by the General Assembly of the State of Ohio, That the board of public works be and are hereby instructed to report to this body, at as early a day as practicable, any and all action had by them under the joint resolution passed February eight, one thousand eight hundred and forty-seven, in reference to adjusting claims against the State.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

## RESOLUTION

Relative to printing standing and joint rules.

*Resolved, by the Senate and House of Representatives, That one hundred and fifty copies of the standing rules of the two Houses, with their joint standing rules, be printed for the use of the members and officers of the two Houses.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

## RESOLUTION

Relative to printing the report of the Directors and Warden of the Ohio Penitentiary.

*Resolved, by the Senate and House of Representatives, That three thousand copies of the annual report of the directors and warden of the Ohio Penitentiary be printed for the use of the members, and five hundred for the use of the warden of said prison; and of the number printed for the use of the Senate, the usual number shall be in the German language.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 11, 1848.

## RESOLUTION

Relative to printing extra copies of the annual report of the Attorney General.

*Resolved, by the Senate and House of Representatives of the State of Ohio,* That two hundred extra copies of the annual report of the attorney general be printed for the use of that office. .

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 20, 1848.

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## RESOLUTION

Appointing James Smart Register of the Virginia Military District School Lands, at Mansfield, Ohio.

*Resolved, by the General Assembly of the State of Ohio,* That James Smart, of Richland county, be and he is hereby appointed register of the Virginia military district school lands at Mansfield, Ohio, for the term of three years from and after the eleventh day of April, one thousand eight hundred and forty-eight.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 20, 1848.

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## PREAMBLE AND RESOLUTION

Relative to the sale of certain lands near the Wabash and Erie, and Miami Extension canals, in this State.

**WHEREAS**, there are lands belonging to the United States lying within five miles of the Wabash and Erie, and Miami Extension Canal, in the State of Ohio; and whereas said lands are appraised at the high rate of two dollars fifty cents per acre, by reason of which high appraisement they have failed to be sold, but remain and will continue unsold and in a wilderness state, to the great injury of the State and the citizens of the State who have located in their vicinity; therefore,

*Resolved, by the General Assembly of the State of Ohio,* That the senators and representatives from this State in the Congress of the United States, be and they are hereby requested to procure the passage of an act

authorizing said lands to be offered for sale at public sale to actual settlers, and those which shall remain unsold after being so offered, shall be subject to entry at one dollar twenty-five cents per acre to actual settlers, and that they become taxable immediately after they are sold.

*Resolved*, That the governor be requested to transmit to each of the senators and representatives from this State in the Congress of the United States, a copy of the above preamble and resolution.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 20, 1848.

#### RESOLUTION

Relative to printing extra copies of the report of the majority of the joint select committee on the subject of apportionment.

*Resolved*, That two thousand extra copies of the report of the joint select committee on the subject of apportionment, be printed for the use of the members of this General Assembly.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 20, 1848.

#### RESOLUTION

Relative to printing extra copies of the report of the standing committee of the House on the Penitentiary.

*Resolved, by the Senate and House of Representatives*, That three thousand copies of the report of the standing committee of the House of Representatives on the Penitentiary, be printed for the use of the members of this General Assembly.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 22, 1848.

## PREAMBLE AND RESOLUTION

Of inquiry, relative to the completion of the Sandy and Beaver Canal.

**WHEREAS**, it is provided by the second section of the act passed March three, one thousand eight hundred and thirty-four, "farther to amend an act to incorporate the Sandy and Beaver Canal Company," passed January eleven, one thousand eight hundred and twenty-eight, that said company shall be allowed twenty years from the passage of the act incorporating said company to complete said canal, any thing in said act to the contrary notwithstanding; therefore,

*Resolved, by the General Assembly of the State of Ohio*, That the board of public works be required to make the necessary inquiry, and report to this General Assembly the fact whether said canal has been completed, in accordance with the provisions of said act.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 22, 1849.

## RESOLUTION

Relative to printing the Report of the Secretary of State on the subject of Common Schools.

*Resolved, by the General Assembly of the State of Ohio*, That ten thousand copies of the annual report of the secretary of state on the subject of common schools be printed for the use of the General Assembly, of which the ascertained quota for each house shall be in the German language.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 25, 1848.

## RESOLUTION

Relative to appointing a day of general thanksgiving.

*Resolved, by the General Assembly of the State of Ohio*, That the governor is requested to appoint a day of general thanksgiving throughout the State, and to confer with the executives of other States, and to secure, as nearly as possible, the observance of the same day throughout the Union.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 25, 1848.

## RESOLUTION

Relative to lighting the Ohio Penitentiary.

*Resolved, by the General Assembly of the State of Ohio, That the directors and warden of the Penitentiary be and they are hereby directed to proceed forthwith to cause the area around the occupied cells in the Penitentiary to be so lighted at night, until the hour of nine o'clock, that the convicts shall be able to read in their cells: Provided, that said warden and directors may abandon said arrangement whenever, in their opinion, the order, or, in the opinion of the physician, the health of the prison is injured thereby.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 28, 1848.

## RESOLUTION

Relative to printing extra copies of the Annual Report of the Board of Public Works.

*Resolved, by the General Assembly of the State of Ohio, That three thousand extra copies of the annual report of the board of public works be printed for the use of the members of this General Assembly: of the Senate's proportion, nineteen per cent. in the German language; and three hundred additional copies for the use of the members of said board.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 28, 1848.

## RESOLUTION

Relative to the claim of William Dawson.

*Resolved, by the General Assembly of the State of Ohio, That the sum of one hundred and seven dollars and twenty-two and six-tenths cents be paid to William Dawson, late treasurer of Defiance county, moneys by him improperly paid into the State treasury; and that the same be provided for in the general appropriation bill.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 28, 1848.

## RESOLUTION

Relative to printing the Report of committee of the Senate on "Medical Societies and Colleges."

*Resolved, by the General Assembly of the State of Ohio, That three thousand copies of the report of the standing committee of the senate on "medical societies and colleges," on the subject of petitions asking the passage of a law to regulate the practice of physic and surgery, be printed for the use of the General Assembly.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 28, 1848.

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## RESOLUTION

Relative to printing extra copies of the Annual Report of the Superintendent of Common Schools.

*Resolved, by the Senate and House of Representatives, That of the ten thousand copies of the annual report of the superintendent of common schools, ordered for the use of the General Assembly, two hundred copies in the English language, shall be for the use of the said superintendent.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

January 29, 1848.

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## RESOLUTION

Relative to violations of the act to prevent unauthorized banking.

*Resolved, by the General Assembly of the State of Ohio, That upon information which may induce the attorney general to believe that any of the banks, bankers or brokers of this State have violated any of the provisions of the act to prevent unauthorized banking and the circulation of unauthorized bank paper, or the provisions of the act supplementary thereto, passed January twenty-six, one thousand eight hundred and forty-six, and more particularly whether any such banks, money brokers or bankers, have brought into the State and put into circulation the notes of banks out of the State brought into the State by others, or put into circulation notes of banks out of the State of a less denomination than five dollars, contrary to the provisions of said acts, he shall make inquiry into the facts, and if, in his opinion, such acts, or either of them, have been so violated, he is directed to prosecute or order to be prosecuted such bank, banker or broker,*

as provided by law ; and that the governor be requested to pay any incidental costs incurred in the premises, out of his contingent fund.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

January 29, 1848.

#### RESOLUTION

Authorizing the Board of Public Works, under the resolution of February 4th, 1845, to pay a sum not exceeding eight thousand dollars.

*Resolved, by the General Assembly of the State of Ohio,* That the board of public works be and they are hereby fully authorized to adjust, compromise, finally settle and pay to claimants, for damages already awarded under the joint resolution "declaratory of the rights of riparian proprietors on navigable rivers under the ordinance of one thousand seven hundred and eighty-seven, and of the mode of redress for injuries thereto," passed February four, one thousand eight hundred and forty-five, and in pursuance of the decision of the supreme court, at their last term in bank, in relation thereto, any sum not exceeding eight thousand dollars.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 2, 1848.

#### RESOLUTION

Appointing Hiram Griswold Reporter for the Court in Bank.

*Resolved, by the General Assembly of the State of Ohio,* That Hiram Griswold be and hereby is appointed reporter for the court in bank, for the term of three years from and after the first day of June, A. D. one thousand eight hundred and forty-eight.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 2, 1848.

## RESOLUTION

Reappointing Samuel Parsons a Director of the Ohio Lunatic Asylum.

*Resolved, by the General Assembly of the State of Ohio, That Samuel Parsons be and he is hereby reappointed a director of the Ohio Lunatic Asylum, for the term of six years from and after the thirteenth day of March next.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

## RESOLUTION

Appointing certain trustees of Ohio University.

*Resolved, by the General Assembly of the State of Ohio, That Samuel F. Vinton and John Welch, be and they are hereby appointed trustees of the Ohio University, to fill the vacancies occasioned by the death of James Culbertson and the resignation of William Medill.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 2, 1848.

## RESOLUTION

Relative to the claim of George Riordan.

*Resolved, by the General Assembly of the State of Ohio, That there be paid to George Riordan, for services in attendance on the court in bank at its session of one thousand eight hundred and forty-seven and eight, the sum of eighty-four dollars, and that the same be provided for in the general appropriation bill.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.



## RESOLUTION

Relative to the claim of J. R. Scroggs.

*Resolved, by the General Assembly of the State of Ohio, That there be paid to J. R. Scroggs the sum of fifteen dollars forty-five cents, for stationery furnished to the court in bank, and that provision be made for the same in the general appropriation bill.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.

## RESOLUTION

Relative to the claim of John Walton.

*Resolved, by the General Assembly of the State of Ohio, That there be paid to John Walton, for chairs purchased during the present session for the use of the General Assembly, the sum of eighty-eight dollars forty cents, and that provision be made for the same in the general appropriation bill.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.

## RESOLUTION

Relative to the claim of Michael Halm.

*Resolved, by the General Assembly of the State of Ohio, That there be paid to Michael Halm the sum of thirty-six dollars for one large paper case, for the use of the court in bank, and that provision for the same be made in the general appropriation bill for that purpose.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.

## RESOLUTION

Relative to the claim of John Graham.

*Resolved, by the General Assembly of the State of Ohio, That there be paid John Graham, for his services as sheriff in attendance upon the court in bank, the sum of ninety-eight dollars twenty-three cents, and that provision be made for the same in the general appropriation bill.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.

## RESOLUTION

Relative to the claim of Price and Hughes.

*Resolved, by the General Assembly of the State of Ohio, That there be paid to Price and Hughes the sum of twelve dollars, for furniture for House of Representatives, and that provision be made therefor in the general appropriation bill.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 5, 1848.

## RESOLUTION

Relative to certain claims.

*Resolved, by the General Assembly of the State of Ohio, That there be paid to Heyl and Mason, the sum of three dollars sixty-two cents; to James A. Aston, the sum of five dollars forty-five cents; to Thomas F. Jones, the sum of ten dollars seventy-five cents; to Gere, Abbot & Co., the sum of nineteen dollars twelve cents; to Dwight Stone & Co., the sum of eleven dollars thirteen cents; to Andrew Sites, the sum of six dollars eighty two cents; to Thomas F. Jones, the sum of twenty four dollars ninety three cents; to John Westwater & Son, the sum of three dollars thirty-seven cents; to Wilford Too, the sum of one dollar twenty-five cents; to J. D. Osborn, the sum of two dollars; to Dwight Stone & Co., the sum of nineteen dollars forty-four cents; to S. Clark & Co., the*

sum of fourteen dollars forty-six cents; for sums due them respectively on account, and that provision be made for the same in the general appropriation bill.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 11, 1848.

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RESOLUTION

Requiring of the Auditor of State certain information in regard to suits against Henry Filler's sureties, late Treasurer of Perry.

*Resolved, by the Senate and House of Representatives,* That the auditor of state report to this General Assembly the proceedings of the suits against Henry Filler's sureties, late treasurer of Perry county; the amount of defalcations on the following sections of school lands, viz: Section fifteen, township eighteen, range seventeen, for the use of township number nineteen, range seventeen; section fifteen, township seventeen, range sixteen, for the use of township eighteen, range sixteen, refugee tract; the total amount of sale, the amount by him received, and the amount by him paid into the State treasury; the amount not paid, with the date when due, with interest due thereon to the first January, one thousand eight hundred and forty-eight, and all such other information relating thereto as may be in his possession.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 11, 1848.

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RESOLUTION

Appointing Trustees for the Miami University.

*Resolved, by the General Assembly of the State of Ohio,* That Peter P. Lowe, Charles L. Telford, Joseph S. Hawkins, Fergus Anderson, Peter Odlin and William R. Collett, be and they are hereby appointed trustees of the Miami University, for the term of nine years from and after the first day of March, one thousand eight hundred and forty-eight, to fill the vacancy occasioned by the expiration of the term of service of the class whose term expires on the first day of March, one thousand eight hundred and forty-eight.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 14, 1848.

## PREAMBLE AND RESOLUTION

Relative to Asa Whitney's plan for a Railroad to the Pacific.

**WHEREAS**, the construction of a railroad across the continent of North America would make the United States the greatest highway between Europe and the populous and wealthy empires of Asia, would greatly facilitate our own intercourse with those regions, would consolidate the interests of our Union, would connect and bind Oregon and the Pacific coast to us, and would give a fresh impetus to our great agricultural, manufacturing and commercial interests: and whereas, this stupendous work can be accomplished by an appropriation and sale of the public lands which constitute a fund applicable for defraying the expenses of the undertaking, as a small part of them would furnish the means, and the value of the remainder would be greatly enhanced thereby: and whereas, the plan of Mr. Asa Whitney, of New York, in its great outlines, is, in our opinion, the only practicable scheme for the accomplishment of this great undertaking, which should be commenced without delay; therefore, be it

*Resolved, by the General Assembly of the State of Ohio*, That we approve of Mr. Whitney's plan, as explained by himself to us, of constructing a railroad from Lake Michigan to the Pacific Ocean, from an appropriation and sale of the public lands on its line, connecting the sale and settlement of the lands with the building of the road, making it an individual enterprise, still under the control of Congress; and we earnestly recommend its adoption, and the measure, to the early and favorable consideration and action of Congress.

*Be it resolved*, That our senators and representatives in Congress be and they are hereby requested to give this measure their prompt attention and support.

*Be it resolved*, That his excellency, the governor, be and he is hereby requested to transmit a copy of these resolutions to the executive of each of the States in the Union, and a like copy to the senators and members of the house of representatives from this State in the Congress of the United States.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## RESOLUTION

In relation to the Reports of the Pennsylvania and Ohio Canal Company.

*Resolved, by the General Assembly of the State of Ohio*, That the Pennsylvania and Ohio Canal Company shall, annually, hereafter, on or before the tenth day of January in each year, prepare or exhibit to the General Assembly a report of the receipts, expenditures, and true condition of

the funds, business and property of said company for the last preceding fiscal year; but said company may, before that time, make such report to the auditor of state, who is hereby required to lay the same before the General Assembly before the said tenth day of January, aforesaid.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

#### RESOLUTION

Requiring certain information from the President of the Board of Control of the State Bank of Ohio.

*Resolved, by the General Assembly of the State of Ohio,* That the president of the board of control of the State Bank of Ohio be required to communicate to this General Assembly by what authority, and through what agency, there are now in circulation notes of the State Bank of Ohio, without any date or other filling up, except the name of G. Swan.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

#### RESOLUTION

To pay E. T. Tappan, Esq., eighteen dollars for maps furnished to this General Assembly.

*Resolved, by the General Assembly of the State of Ohio,* That there be paid to Eli T. Tappan, Esq., the sum of eighteen dollars, for maps furnished in accordance with a resolution of the General Assembly, and that the same be provided for in the general appropriation bill.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

#### RESOLUTION

Appointing the Governor, Auditor of State and Attorney General, Commissioners to audit, allow and pay certain claims.

**WHEREAS,** at the last session of the General Assembly of this State, an act was passed appropriating the sum of five thousand dollars for the payment of all just claims against the State of Ohio, held by citizens

thereof, growing out of the requisition of the government of the United States for volunteers to prosecute the war with Mexico; and whereas, the governor, auditor of state and attorney general were appointed commissioners to examine and report all just claims against the State, in consequence of said requisition; and whereas, said commissioners have reported that they have examined and allowed claims to the amount of one thousand eight hundred fifty-eight dollars thirty-nine cents, leaving a balance of three thousand one hundred forty-one dollars sixty-one cents unexpended; and whereas, certain claims have been presented for similar services during the present session; also for charges made against the State, in consequence of the requisition of the government of the United States for an additional force of ten regiments for the prosecution of the war with Mexico; therefore, be it

*Resolved, by the General Assembly of the State of Ohio,* That all claims presented to the Legislature of this State as aforesaid, at the present session, be and the same are hereby referred to the commissioners heretofore appointed, viz: the governor, auditor of state and attorney general, with instructions to examine the same, and audit and allow all such claims or any part thereof, as may be found just, and pay the same out of the said balance of three thousand one hundred forty-one dollars sixty-one cents yet unexpended: and be it further

*Resolved,* That the standing committee on the military be discharged from the further consideration of the matter, and the claimants have leave to withdraw their claims.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

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#### RESOLUTION

Requiring the Board of Public Works in future to submit the reports of engineers on the National Road, separate from the annual report of said board, &c.

*Resolved, by the General Assembly of the State of Ohio,* That the board of public works be and they are hereby required, in future, to submit to the General Assembly the reports of the engineers on the National Road in a separate communication, and that they only give a general statement of the business of the road in their annual report on the public works of the State.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## RESOLUTION

Relative to certain claims.

*Resolved, by the General Assembly of the State of Ohio, That the following sums be and the same are hereby allowed to the persons following, viz: to J. Ridgway & Co., forty-four cents; to W. H. Protsman, seventeen dollars; to Henry Mack, ninety-one dollars and fifty-one cents; to P. Hayden & Co., three hundred and eighty-seven dollars and eighty-nine cents; to Gere, Abbott & Co., five dollars seventy-five cents; to A. Hayden, thirteen dollars and fifty cents; to James A. Aston, one dollar; to Stewart & Co., ten dollars and eighteen cents; to Gere, Abbott & Co., thirty-nine dollars fifty-six cents, and that the same be provided for in the general appropriation bill.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## RESOLUTION

Relative to printing the law regulating common schools in the town of Akron.

*Resolved, by the Senate and House of Representatives, That an "act for the support and better regulation of common schools in the town of Akron," passed February eight, one thousand eight hundred and forty-seven, be printed with the general laws of the present session.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 18, 1848.

## RESOLUTION

Rescinding so much of the 26th joint standing rule as prohibits the printing of bills for regulating acts or parts of acts.

*Resolved, by the Senate and House of Representatives, That so much of 26th joint standing rule for the government of the two Houses as prohibits the printing of bills for the repeal of any act or part of act, be and the same is hereby rescinded.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

## RESOLUTION

Relative to printing the Report of the Directors and Superintendent of the Institution for the Deaf and Dumb in English and German.

*Resolved, by the Senate and House of Representatives of the State of Ohio,* That seven thousand copies of the report of the directors and superintendent of the institution for the Deaf and Dumb be printed for the use of the members of this General Assembly; and that of the proportionate number of said report printed for the use of the Senate, eighty-one per centum shall be printed in the English language, and nineteen per centum shall be printed in the German language; and of the House's proportionate number of said report, eighty-eight per centum shall be printed in the English language, and twelve per centum in the German language; and that one thousand in the English language, and two hundred in the German language, additional copies, be printed for the use of the officers of the institution.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

## RESOLUTION

Against the introduction of new bills in either house after the 3d day of February, 1848.

*Resolved, by the Senate and House of Representatives,* That it shall not be in order to introduce any new bill in either house after Thursday, the third day of February, one thousand eight hundred and forty-eight.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

## RESOLUTION

Relative to printing Report of the Directors and Superintendent of the Institution for the Blind in English and German.

*Resolved, by the Senate and House of Representatives of the State of Ohio,* That eight thousand copies of the report of the officers of the institution for the Blind be printed for the use of the members of this General Assembly; and of the Senate's proportionate number of said report, eighty-one per centum shall be printed in the English language, and nineteen per centum in the German language; and of the House's proportionate num-



ber of said reports, eighty-eight per centum shall be printed in the English language, and twelve per centum in the German language; and one thousand copies in the English language, and one hundred in the German language, additional, for the use of the officers of said institution.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

#### RESOLUTION

Relative to printing the Report of the Auditor of State in English and German.

*Resolved, by the Senate and House of Representatives of the State of Ohio,* That eight thousand copies of the report of the auditor of state be printed for the use of the members of this General Assembly; and of the Senate's proportionate number of said report, eighty-one per centum shall be printed in the English language, and nineteen per centum in the German language; and of the House's proportionate number of said report, eighty-eight per centum shall be printed in the English language, and twelve per centum in the German language; and five hundred additional copies, in the English language, for the use of the auditor of state.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

#### RESOLUTION

In relation to the Joint Rules.

*Resolved, by the Senate and House of Representatives,* That the following be added to the joint rules for the government of the two Houses: That all joint resolutions, and orders providing for going into elections by joint ballot, for printing to be done for the use of the General Assembly, for supplying laws, journals or public documents to particular officers, shall not be enrolled, signed by the speakers of the two Houses, or published with the laws.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

## RESOLUTION

Directing one thousand extra copies of the Special Report of the Board of Public Works on the discriminating tolls on salt, on the Canals, &c., of this State, to be printed.

*Resolved by the General Assembly of the State of Ohio*, That nine hundred extra copies of the special report made to the Senate by the board of public works, relative to discriminating tolls on the canals and other public works of the State, be printed for the use of the members of this General Assembly, and one hundred additional copies for the use of the members of said board.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 19, 1848.

## RESOLUTION

Relative to an amendment of the postage laws.

*Resolved, by the General Assembly of the State of Ohio*, That the senators and representatives from this State, in Congress, be and they are hereby requested to use their influence to procure such modification of the postage law as will permit newspapers to pass in the mail free of postage fifty miles from the office of publication.

*Resolved*, That the governor be requested to transmit a copy of the above resolution to each of our senators and representatives in Congress.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 21, 1848.

## RESOLUTION

Requiring of the Board of Public Works, hereafter, separate special reports of all expenditures on public works under their charge, and for other purposes.

*Resolved, by the General Assembly of the State of Ohio*, That the board of public works shall hereafter report, annually, to the General Assembly, detailed statements, in separate special reports, of all the expenditures on superintendence account on the public works of the State under the charge of said board. Each of the said special reports shall be confined to the works under the charge of one resident engineer, and shall consist of an account, made up by such resident engineer, of all money paid out on his division of the public works, with the name of each indi-

vidual to whom paid, the amount paid to each, and for what service rendered or materials furnished ; it shall also show the account of each superintendent of subdivisions, verified by the oath of such superintendent ; and to which the resident engineer shall append his certificate of having compared the vouchers presented by the superintendent with his time-roll, and that all are correct.

*Resolved, further,* That the board of public works be required to cause each superintendent of subdivisions to post up, in the office of each receiver on such subdivision, a copy of his quarterly returns, with the specifications required in the foregoing resolution, subject to public inspection.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 22, 1848.

#### RESOLUTIONS

Relative to the powers and duties of Congress in certain cases, and the course of the Hon. Thomas Corwin with reference to the present war with Mexico.

*Resolved, by the Senate and House of Representatives,* That the State of Ohio repudiates, as a libel upon the constitution of the United States, the degrading and pernicious dogma which asserts, that when the nation is once involved in a war with a foreign country, no matter by what means or for what ends, it is the prerogative of the president to determine the purposes for which it shall thenceforth be carried on, and the measure of its duration.

*Resolved,* That Congress does possess and may exercise the right to interfere with this kingly attribute, when asserted or claimed by the president ; and that it can never be the duty of the representatives of the States and of the people tamely and submissively to bow to the dictates of executive will, and humbly to subserve its behests, by transcribing into the form of legal enactments the imperious requisitions of the president for supplies of money and of men.

*Resolved,* That when an administration shall have become so reckless of the moral sentiment of the nation, that, lured by the lust of personal or even of national aggrandizement, it avowedly prosecutes and procrastinates a war for the purpose of wringing from a reluctant adversary, already prostrate and in the dust, the whole or any portion of his rightful territory, it becomes the imperative duty of Congress, upon the failure for that purpose of all other constitutional means, to put a stop to the effusion of blood by withholding all supplies for the further prosecution of the war ; and doubly imperative does that duty become, when, as in the case of the present contest with Mexico, the war was begun for questionable objects, by a most palpable executive usurpation of power, and more especially when the acquisition of the coveted territory would most fearfully threaten the disruption of the Union itself.

*Resolved*, That the course pursued with reference to this war by the Hon. Thomas Corwin has in no degree lessened him in the esteem of the State he represents; but that the implicit confidence in his statesmanship, his moral integrity, his pure patriotism, his true loyalty to the Union and to the State of Ohio, which was evinced by his election to the high and responsible office of senator in Congress, remains unimpaired and unflinching.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 22, 1848.

#### PREAMBLE AND RESOLUTION

Relative to the distribution of certain school funds in Ashland county.

**WHEREAS**, an error occurred in making the return of the school fund for the county of Ashland, in the year one thousand eight hundred and forty-six, whereby no account was taken of the school money belonging to the townships of Ruggles, Troy and Sullivan, in said county, which townships were originally included in the Connecticut Western Reserve District: and whereas, in consequence of said error said townships were deprived of their proper proportion of said school fund for the year one thousand eight hundred and forty-six; therefore, be it

*Resolved*, by the General Assembly of the State of Ohio, That the auditor of state be and he is hereby directed and required, that, in making a distribution of said school funds for the year one thousand eight hundred and forty-eight, he give to the aforesaid townships, in addition to the amount to which they may be entitled for the year one thousand eight hundred and forty-eight, the amount to which they were entitled for the year one thousand eight hundred and forty-six, which amount shall be the same as the amount received by said townships in the year one thousand eight hundred and forty-seven.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 22, 1848.

#### RESOLUTIONS

Relative to the acquisition and control of foreign territory by the United States.

*Resolved*, by the General Assembly of the State of Ohio, That whatever difference of opinion may exist as to the power of Congress to prohibit the formation of slave States out of the territory belonging to the federal government, and entitled to admission into the Union, there cannot be any

rational ground for such difference of opinion as to territory that may be hereafter obtained by conquest or by purchase; that foreign territory, purchased by the national treasure or conquered by the national army, is, and in the nature of the case must be, subject to national control, to be occupied only upon such conditions and governed by such institutions as the national will may dictate.

*Resolved*, That the present war with Mexico was neither sought nor advised by the State of Ohio; and while its end and results are and have been beyond her control or foresight, her citizens have been with the national flag, and have attested their devotion to it on many fields and through divers perils: that the State of Ohio neither seeks nor advises the acquisition of further territory by conquest or by purchase, nor is the power of shaping the national policy in her hands, but she hereby protests by every drop of blood that has been spilt by her citizens, by every flag that has been enrolled from her borders, by the spirit of her sisterhood with the American States, that any territory acquired either by purchase or by conquest, as the result of this war, shall be national territory; and the State of Ohio must be heard, and will have a share in determining the character of the institutions by which such territory shall be governed.

*Resolved*, That the governor be directed to transmit a copy of these resolutions to our representatives and senators in Congress, and to the governors of the several States of the Union.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

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#### RESOLUTION

Fixing the numbers of copies of the Laws, general and local, and Resolutions, passed at the present session, and of the Journals of each House, distributable to the several counties of this State, and for other purposes.

*Resolved, by the General Assembly of the State of Ohio*, That the following numbers of copies of General Laws, passed and ordered to be printed at the present session of the General Assembly, and the following numbers of copies of acts of a local nature, and resolutions, passed and ordered to be printed, and of the Journals of each house, shall be distributed to the several counties of this State according to law, one bound copy thereof to be kept at the clerk's office of each county, as follows:

Counties.	General Laws.	Local Laws.	Journals.	Counties.	General Laws.	Local Laws.	Journals.
Adams -----	135	20	15	Lorain -----	230	30	27
Allen -----	120	16	12	Logan -----	156	30	25
Ashland -----	143	25	20	Lawrence -----	136	20	18
Ashtabula -----	275	40	33	Lucas -----	210	30	25
Athens -----	213	35	30	Madison -----	145	20	18
Auglaize -----	109	16	16	Mahoning -----	182	30	25
Belmont -----	210	25	22	Marion -----	159	20	17
Brown -----	188	25	20	Meigs -----	156	23	20
Butler -----	285	30	17	Mercer -----	130	16	16
Carroll -----	165	25	20	Medina -----	207	30	28
Crawford -----	188	23	18	Miami -----	155	22	18
Clermont -----	198	30	25	Monroe -----	180	20	17
Coshocton -----	236	32	24	Montgomery --	220	30	25
Clark -----	240	20	15	Morgan -----	185	30	23
Clinton -----	147	20	16	Muskingum --	300	45	40
Cuyahoga -----	265	35	30	Morrow -----	180	28	24
Columbiana -----	245	37	30	Ottawa -----	112	15	10
Champaign -----	250	24	19	Paulding -----	93	17	15
Delaware -----	167	24	20	Perry -----	156	25	23
Darke -----	230	30	25	Pike -----	125	18	16
Defiance -----	175	35	30	Portage -----	225	35	30
Erie -----	145	17	15	Preble -----	154	30	25
Fairfield -----	205	30	24	Pickaway -----	167	25	23
Franklin -----	230	30	24	Putnam -----	150	17	12
Fayette -----	225	23	15	Ross -----	210	35	25
Greene -----	140	20	16	Richland -----	240	30	25
Guernsey -----	251	28	24	Sandusky -----	147	30	24
Geauga -----	152	35	27	Seneca -----	175	30	25
Gallia -----	187	25	21	Scioto -----	173	25	20
Harrison -----	223	28	20	Shelby -----	160	20	18
Hardin -----	148	19	16	Stark -----	215	33	28
Hancock -----	205	30	25	Summit -----	210	28	25
Hamilton -----	490	35	28	Tuscarawas --	225	32	27
Highland -----	275	24	18	Trumbull -----	250	45	40
Hocking -----	142	16	13	Union -----	153	25	20
Holmes -----	164	25	20	Vanwert -----	75	17	15
Henry -----	149	17	16	Warren -----	156	25	20
Huron -----	215	25	20	Washington --	203	35	30
Jefferson -----	185	30	25	Wayne -----	207	30	25
Jackson -----	167	23	23	Williams -----	148	25	20
Knox -----	195	32	24	Wood -----	145	25	20
Lake -----	117	20	20	Wyandott -----	170	30	30
Licking -----	335	45	40				

*Resolved,* That the clerk of the court of common pleas of each county shall, on demand, deliver one copy of the General Laws of the session to each practicing attorney within his county, who shall exhibit satisfactory evidence of having paid a tax, as such practicing attorney, for the preceding year.

*Resolved*, That the secretary of state forward to the clerk of the court of common pleas of Guernsey county, with the Laws and Journals of the present session, eight copies of the Statutes of Ohio, for the use of the officers of Wright township, in said county.

*Resolved*, That it shall be the duty of the secretary of state to reserve twenty per cent. of the amount to be paid to any contractor for delivering the Laws, Journals and Reports, until said contractor shall produce the receipts of the clerks of the courts of the several counties therefor.

*Resolved*, That the secretary of state be and he is hereby required to forward to the clerk of the court of common pleas of Hardin county, with the Laws and Journals, the first ten volumes of the Ohio Reports, out of any surplus copies now owned by the State, for the use of said county of Hardin.

*Resolved*, That the secretary of state be and he is hereby required, in making contracts for the delivery of the Laws, Journals, &c., to make the contracts so that said Laws, Journals, &c., shall be delivered to the clerks of the court of common pleas in the several counties of this State within such period of time as will allow one day for every fifteen miles from Columbus to the county seat of the several counties, after said Laws, Journals, &c., are prepared and ready to be forwarded, and as much sooner as may be practicable.

*Resolved*, That the auditor of state be and he is hereby authorized to contract with any person or persons, on the lowest practicable terms, to trim, and cover with paper in brochure form, the Laws, Journals and Documents, aforesaid, if in his opinion [it] is deemed advisable: Provided, the same can be completed within twenty days after said Laws, Journals and Documents are furnished by the printer; and the auditor is authorized to make all necessary contracts therefor, and the expenses thereof shall be paid out of any money appropriated by law for the payment of public printing.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

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#### RESOLUTION

Appointing James Hoge a Director of the Blind Asylum.

*Resolved, by the General Assembly of the State of Ohio*, That James Hoge be and he is hereby appointed a director of the institution for the Blind, for the term of six years from and after the first day of April next.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

## RESOLUTION

Relative to a change of the rates of postage upon transient papers.

*Resolved, by the General Assembly of the State of Ohio,* That our senators and representatives in Congress be requested to use their influence to procure an amendment to the laws regulating the rates of postage, so as to reduce the postage on transient papers, and to permit them to be carried in the mails without a prepayment of postage.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## RESOLUTION

Relative to the claim of Whiting & Huntington.

*Resolved, by the General Assembly of the State of Ohio,* That there be paid to I. N. Whiting & Huntington ten dollars and ninety cents, for stationery furnished for the reporter of the court in bank, and that the same be provided for in the general appropriation bill.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## PREAMBLE AND RESOLUTION

Relative to furnishing copies of Laws and Reports to Henry county.

WHEREAS, by the late fire in the town of Napoleon, in the county of Henry, the public buildings, together with the laws and reports, were wholly destroyed; therefore,

*Resolved, by the General Assembly of the State of Ohio,* That the secretary of state be and he is hereby directed to furnish the clerk of the court of common pleas of said county, for the use of said county, ten volumes of the revised statutes, ten copies of the school laws, one copy of Chase's statutes, ten copies of the general and local laws up to the last session, and one copy of each of the Ohio reports up to the fifteenth volume, out of any surplus copies of such laws and reports belonging to the State.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*

CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.



## PREAMBLE AND RESOLUTION

About Fredolin Baumgartner.

WHEREAS, Fredolin Baumgartner, for the last eighteen months a resident of Seneca county, but not a citizen of the United States, has been laboring under a state of mental insanity for the last four months, and who is a pauper; therefore,

*Resolved, by the General Assembly of the State of Ohio,* That the superintendent of the Lunatic Asylum be and he is hereby directed to receive and consider the application for the admission of Fredolin Baumgartner, a resident of Seneca county, an alien, into the Asylum under his charge, and to act in the premises the same as if said individual was a citizen of the State of Ohio: Provided, that said person shall be received as a pay patient; and if his support shall not be otherwise provided for, then the expenses incurred in his support in said Asylum, during his continuance therein, shall be paid by the commissioners of the county of Seneca, in the same manner as the expenses of other pay patients; and said person, when received, shall be counted in the apportionment of patients among the counties, as if he was known to be a citizen resident of the county of Seneca: and provided, further, that should there at any time occur a want of room in said Asylum for the reception of lunatics, under the provisions of the laws regulating the same, then it shall be the duty of the officers of said Asylum to discharge, and it shall be the duty of the commissioners of the said county of Seneca to receive and provide for said person.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

## PREAMBLE AND RESOLUTION

Relative to the removal of the Sippo Reservoir.

WHEREAS, it is represented that the erection of a dam at or near the outlet of Sippo lake, in Stark county, by which a reservoir has been created, has been and is the occasion of sickness in the neighborhood of said reservoir: and whereas, said dam is now kept up by private individuals, but, inasmuch as the same was originally erected by authority of the State of Ohio, doubts are entertained whether an indictment can be sustained for a nuisance, against those who now keep up said dam; therefore,

*Resolved, by the General Assembly of the State of Ohio,* That the board of public works be and they are hereby authorized and required to select and appoint some disinterested, competent persons to make such observations in regard to the Sippo Reservoir, during the ensuing summer and fall, at suitable times, as will test its effect upon the health of the surrounding country, and report the result of such observations to the board of

public works as early as the first day of December next; and if, in the opinion of such individual, the continuance of said reservoir shall be judged permanently to affect injuriously the health of the inhabitants residing in the neighborhood of such reservoir, it shall be the duty of such board of public works to remove such reservoir as speedily as, in their opinion, it can be done consistently with the health of the inhabitants affected by it.

*Resolved*, That the board of claims are hereby authorized to audit and allow such damages as it shall deem just and equitable, to contractors with the State or other persons affected by the discontinuance of said reservoir.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

#### RESOLUTION

About the headgate on the South Fork feeder.

*Resolved*, by the General Assembly of the State of Ohio, That the board of public works be and they are hereby authorized to remove the headgate on the South Fork feeder, in Licking county.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

#### RESOLUTION

Authorizing the payment of R. G. McLean and William Wall.

*Resolved*, by the General Assembly of the State of Ohio, That the commissioners heretofore appointed to examine the claims against the State, arising out of the requisition upon the governor by the president of the United States for three regiments of volunteers to serve in the war with Mexico, be and they are hereby required to audit and allow the expenses of R. G. McLean and William Wall, remaining unpaid, reported by said commissioners as rejected, for transportation and subsistence of their men while coming to Columbus, so far as said expenses were incurred in good faith and were reasonable.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 24, 1848.

## RESOLUTION

Relative to paying certain tolls to the Sandy and Beaver Canal Company.

*Resolved, by the General Assembly of the State of Ohio, That the board of public works be and they are hereby required to examine the Sandy and Beaver Canal, and satisfy themselves that said canal was finished at the time and in the manner prescribed by the charter of said company, before they shall permit to be paid over to the Sandy and Beaver Canal Company any tolls which may be charged or collected, either on passengers or freight, on the Ohio Canal. And it is hereby made the duty of the attorney general, in case he shall deem it conducive to the interests of the State, to institute proper legal proceedings on behalf of the State, to determine the right of said canal company to the grant of toll by virtue of the third section of the act further to amend the act to incorporate the Sandy and Beaver Canal Company.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## RESOLUTION

Appointing Trustees for the Deaf and Dumb Asylum.

*Resolved, by the General Assembly of the State of Ohio, That Henry L. Hitchcock be and he is hereby appointed a trustee of the Asylum for the Deaf and Dumb, for the unexpired term of Alexander F. Dobb.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

*Resolved, by the General Assembly of the State of Ohio, That S. D. Preston be and he is hereby appointed a trustee of the Asylum for the Deaf and Dumb, for the term of six years from and after the first day of April next.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## RESOLUTION

To pay Alexander Conover for certain services.

*Resolved, by the General Assembly of the State of Ohio, That there be paid to Alexander Conover, for his incidental expenses in examining the Urbana, Troy and Greenville road, such an amount as may be found due him by the board of public works, to be provided for in the general appropriation bill.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

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## RESOLUTION

Authorizing the Commissioners of the State Library to procure suitable cases for the preservation of the books of said library.

*Resolved, by the General Assembly of the State of Ohio, That the commissioners of the State library are hereby authorized to procure, at their earliest convenience, suitable cases, with covers or screens, for the preservation from injury of the books of said library, and that the expenses arising therefrom be provided for in the next general appropriation bill.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

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## RESOLUTION

Relative to certain claims.

*Resolved, by the General Assembly of the State of Ohio, That there be allowed and paid to J. H. Riley & Co. twenty-seven dollars and ninety-six cents, C. Downing one dollar twelve and a half cents, James A. Aston ten dollars and sixty-three cents, J. D. Osborn & Co. one hundred and twenty-seven dollars and forty-seven cents, and that the said sums be provided for in the general appropriation bill.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## RESOLUTION

Relative to the final adjournment of the General Assembly.

*Resolved, by the Senate and House of Representatives, That both branches of this General Assembly will adjourn sine die on Friday the twenty-fifth instant.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

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## RESOLUTION

About furnishing copies of School Laws to Wyandott county.

*Resolved, by the General Assembly of the State of Ohio, That the secretary of state be required to forward to the clerk of the court of the county of Wyandott twenty-five copies of the school laws, for the use of the several school districts in said county, the same to be forwarded with the laws and journals of the present session of the General Assembly.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

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## RESOLUTION

Directing the State Librarian to take charge of the State House.

*Resolved, by the General Assembly of the State of Ohio, That the librarian be required to take charge of the State House, from and after the adjournment of the legislature; to put the same in good order and repair: the expenses of such repairs shall not exceed the sum of one hundred dollars, and be paid out of the appropriation for the payment of claims, upon the order of the auditor of State.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## RESOLUTION

Authorizing the Clerks of the two Houses to prepare the indexes and complete the Reports.

*Resolved, by the General Assembly of the State of Ohio, That the chief clerks of the respective houses of the General Assembly be authorized, after the adjournment, to complete the reports of their respective houses, required by an act passed January twenty-one, one thousand eight hundred and thirty-nine, and that the speakers of the respective houses certify their respective accounts for such number of days as may be necessary to complete said work, at a rate of compensation not exceeding three dollars per day while so engaged; and they shall also be paid the sum of one hundred and twenty-five dollars each for preparing indexes to the journals and public documents, as provided in the aforesaid act, and to be paid, on the certificate of the speakers of the respective houses, out of any money appropriated for the payment of members of the General Assembly, their clerks, sergeants-at-arms and doorkeepers.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## RESOLUTION

Relative to equalizing the tolls on all salt manufactured out of this State.

*Resolved, by the General Assembly of the State of Ohio, That the board of public works be and they are hereby instructed to make the tolls on all salt manufactured out of the State equal on all the canals of the State.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

## RESOLUTIONS

In relation to the improvement of western rivers and harbors.

*Resolved, by the General Assembly of the State of Ohio, That Congress has power to construct such harbors, and improve such rivers, as are necessary and proper for the protection of our navy and our foreign and internal commerce, and also for the defence of our country.*

*Resolved*, That appropriation should be made by Congress for the improvement of such of the great harbors on our northwestern lakes as may be necessary and proper for the protection and benefit of the internal commerce of the country; and that our senators and representatives in Congress are requested to use their influence to procure such appropriations, whenever and as soon as the same can properly be done.

*Resolved*, That the veto of the president of the United States of the bill passed at the last session of Congress, making such appropriations, was unjust to the western and southwestern States, was against sound policy, and in violation of the expressed will of the nation.

*Resolved*, That the governor be and he is hereby requested to forward copies of the foregoing resolutions to each of our senators and representatives in Congress, with a request that the same be laid before that body.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### RESOLUTION

Relative to the claims of Ira Grover and W. A. Platt & Co.

*Resolved, by the General Assembly of the State of Ohio*, That there be paid to Ira Grover one dollar, to W. A. Platt & Co. two dollars, and that provision for the same be made in the general appropriation bill.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### RESOLUTION

Rescinding a part of the resolution of February 8, 1847, authorizing the Board of Public Works to adjust certain claims.

*Resolved, by the General Assembly of the State of Ohio*, That the resolution of the General Assembly, passed February eight, one thousand eight hundred and forty-seven, authorizing the board of public works and the attorney general to adjust and settle claims, be and the same is hereby rescinded: Provided, however, that all claims heretofore presented to the said board of claims, under the provisions of the resolution of February eight, one thousand eight hundred and forty-eight, shall nevertheless be adjusted and settled in pursuance of the provisions thereof.

*Resolved, further*, That in the payment of the awards of said board of claims, for labor performed or materials furnished, the certificate of the resi-

dent engineer shall not be required, but instead thereof, a statement of awards, certified by the said board of claims, shall be deposited with the State treasurer, who shall only redeem such checks as shall conform to the statement of the board: Provided, that requisitions, as heretofore, shall be made on the canal fund commissioners for payment, as the law directs.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### RESOLUTION

Directing the Secretary of State to transmit certified copies of certain laws to the Governor of Pennsylvania.

*Resolved, by the General Assembly of the State of Ohio,* That the governor and secretary of state be and they are hereby requested to transmit to the governor of the commonwealth of Pennsylvania, to be laid before the legislature of that State, a certified transcript of the following enrolled laws, to wit: An act regulating railroad companies; an act to incorporate the Cleveland and Mahoning Railroad; an act to incorporate the Ohio and Pennsylvania Railroad Company; an act to incorporate the Akron and Pittsburgh Railroad Company; an act to incorporate the Cleveland and Pittsburgh Railroad Company, and the acts amendatory thereto; and the act incorporating the Columbus and Pittsburgh Railroad Company, and acts amendatory thereto.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 24, 1848.

#### RESOLUTION

Directing the Auditor of State to issue instructions to township assessors.

*Resolved, by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby directed to issue, as soon as possible, the necessary instructions to the different township assessors, directing them to ascertain, by diligent inquiry—

1st. The amount and value of any land, or lot of land, and the buildings thereon, held by any scientific, literary, religious, or benevolent society, and occupied and used by such society exclusively for the purposes of such society, and not used with a view to profit, in the different townships of this State, specifying each by name; and,

2d. The amount and value of all other property, of whatever kind, held



by any of such societies specifically for each, and the income, if any, derived from such property; and the said township assessors shall report all information obtained, in separate columns, to the auditor of their respective counties, who shall report the same, properly arranged, to the auditor of state, which officer shall report the matter to the General Assembly, in his annual report, specifically for each county, to the General Assembly: Provided, that such inquiry shall not extend to the church buildings and furniture, and the land occupied and necessary for the convenient use of the same, and to burying grounds used exclusively for that purpose.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 25, 1848.

#### RESOLUTION

Relative to the appraisement and sale of the canal lands belonging to the State, and lands belonging to the State bordering on the Loramie and Six Mile Reservoirs.

*Resolved, by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby authorized and required to cause to be appraised, by one or more suitable and competent persons, all the canal lands belonging to the State which have not, from any cause, been heretofore appraised; and also all the lands belonging to the State bordering on the Loramie and Six Mile Reservoirs; and to cause plats of the said lands, and returns of the said appraisement, to be filed in the State land offices of the proper district or districts; and thereupon, said lands shall be subject to entry and sale in forty acre lots, except fractions, which shall be sold in such sized tracts as the auditor of state may direct; and such sales shall be conducted, in all respects, according to the laws now in force for the sale of the State canal lands, except that no tract shall be sold for less than the appraised value thereof: Provided, that if, in the opinion of said auditor, the interest of the State would be thereby promoted, he may cause the said lands to be advertised and offered at public sale, before the same shall be subject to private entry: provided, further, that this resolution shall not affect any lands described in the act entitled "an act to provide for the sale of lands belonging to the State near the Mercer county reservoir, passed February, one thousand eight hundred and forty-eight.

JOSEPH S. HAWKINS,

• *Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 25, 1848.

## RESOLUTION

Requiring of the Board of Public Works certain information in regard to the Mercer County Reservoir.

*Resolved, by the General Assembly of the State of Ohio, That the board of public works cause to be tested, in the course of the ensuing summer, by some practical engineer, the quantity of water the State can lease for hydraulic purposes at the Mercer county reservoir, and report the same to the next legislature.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

## RESOLUTION

Declaring that so much of the Ordinance of 1787 as relates to slavery, should be extended to the territory acquired from Mexico.

*Resolved, by the General Assembly of the State of Ohio, That the provisions of the ordinance of Congress, of one thousand seven hundred and eighty-seven, so far as the same relates to slavery, should be extended to any territory that may be acquired from Mexico by treaty or otherwise.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

## RESOLUTION

Directing the Attorney General to take further steps in relation to the examination had in reference to the books and accounts of the Auditor and Treasurer of State.

*Resolved, by the General Assembly of the State of Ohio, That the report of the committee appointed by resolution of the General Assembly, January fourteen, one thousand eight hundred and forty-seven, entitled "resolution relative to appointing a committee to examine the books of the auditor and treasurer of state," and transmitted on December thirteenth, one thousand eight hundred and forty-seven, to the Senate, by Mr. Thomas Sparrow, the chairman of that committee, and all other reports or papers connected therewith, be and the same is hereby referred to the attorney general; and that officer be and he is hereby authorized and directed to take such action, and to institute such legal proceedings in the premises, as, in his opinion, the facts, statements, and testimony contained therein may*

require, if he deem any such action or proceedings necessary ; and the said officer, for the purpose of informing himself more fully as to the subject matter, be and he is hereby further authorized and directed to institute such further examinations, and take such further testimony, as to him may appear right, legal and proper in the premises ; and, for that purpose, the said officer shall have the same powers as were given to the commissioners, to examine the books, accounts and proceedings of the board of public works by the act appointing the same, which was passed on March six, one thousand eight hundred and forty-five, and the act amendatory thereto, passed December twentieth, one thousand eight hundred and forty-five.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 25, 1848.

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#### RESOLUTION

Thanking the clergymen of Columbus, and for other purposes.

*Resolved, by the Senate and House of Representatives of the State of Ohio,* That the thanks of this General Assembly are due and are hereby tendered to the clergymen of the city of Columbus for their official service during the present session, and that the use of the State library be extended to them for the ensuing year.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 25, 1848.

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#### RESOLUTION

For furnishing the Auditor of Ashland county with the General and Local Laws.

*Resolved, by the General Assembly of the State of Ohio,* That the secretary of state be and he is hereby directed to furnish the auditor of Ashland county with a bound copy of all the general laws passed by the General Assembly since the session of one thousand eight hundred and forty and forty-one, or so many of them as may be at his disposal, and that the same be transmitted with the laws and journals of the present session.

JOSEPH S. HAWKINS,

*Speaker of the House of Representatives.*

CHARLES B. GODDARD,

*Speaker of the Senate.*

February 25, 1848.

## RESOLUTION

Directing the Secretary of State to furnish Ohio Reports to clerk of the county of Auglaize.

*Resolved, by the General Assembly of the State of Ohio, That the secretary of state is hereby authorized and required to furnish the clerk of the court of common pleas of Auglaize county with a full set of the Ohio Reports.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

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## RESOLUTION

For furnishing the clerks of the Superior Court of Cleveland, and the Court of Common Pleas of Allen and Morrow counties, with copies of the Ohio Reports.

*Resolved, by the General Assembly of the State of Ohio, That the secretary of state be required to furnish the clerk of the court of common pleas of Allen county, and the clerk of the superior court of Cleveland, with copies of the Ohio Reports, from one to the fourteenth volume inclusive: Provided, said county has not already been provided with these volumes; and also the clerk of the court of common pleas of Morrow county.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

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## RESOLUTION

Relating to the decease of the Honorable John Quincy Adams.

*Resolved, by the Senate and House of Representatives of the State of Ohio, That it is with deep and heartfelt regret that we have this day learned that John Quincy Adams has deceased; for, by his death, freedom has lost a friend, liberty an advocate, philanthropy a champion, and mankind a generous benefactor.*

*Resolved, That the governor be requested to transmit a copy of the foregoing resolution to the widow of the deceased.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

## RESOLUTION

Touching the regulation of the Deaf and Dumb and Blind Asylums.

*Resolved, by the General Assembly of the State of Ohio, That the governor be requested to make personal examination into the government, regulations and affairs of the Deaf and Dumb and Blind Asylums, and to inquire particularly whether the salaries and compensation of teachers and instructors in the same are properly graduated and fixed with a due regard to economy; and whether the branches of education and mechanic arts taught therein are the best and most desirable to carry out the benevolent intentions of the State towards the deaf and dumb and blind; and if, in his opinion, any changes are required in the regulations of said institutions, to suggest the same to the trustees of said institutions and to the next General Assembly.*

*Resolved, That he also examine into all the similar matters connected with the Lunatic Asylum, as far as may be applicable, in accordance with the foregoing resolution.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

## RESOLUTION

To pay James Killin fourteen dollars.

*Resolved, by the General Assembly of the State of Ohio, That the sum of fourteen dollars be paid to James Killin, for a cloak destroyed by the fire which occurred in the State House in December last.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

## RESOLUTION

Requiring the Clerks of the Courts of Common Pleas to deliver to poor house directors additional copies of Statutes and General Laws, and for other purposes.

*Resolved, by the General Assembly of the State of Ohio, That the clerks of the courts of common pleas, in the several counties of the State in which a county poor house is, or shall be established, be required to deliver to the board of poor house directors two additional copies of the statutes of Ohio, and two additional copies of the general laws of each*

session; and that the secretary of state shall forward, with the laws and journals of the present session, two copies of the statutes of Ohio to each county in the State.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

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RESOLUTION

Relative to the payment of certain claims.

*Resolved, by the General Assembly of the State of Ohio, That there be paid to the following named persons the following sums, being expenses of the General Assembly for the present session, to wit: I. N. Whiting & Huntington, five dollars; J. D. Osborn & Co., nine dollars and eighty-seven cents; John Westwater & Son, one dollar and twenty-five cents; S. Clark & Co., nine dollars and ninety cents; T. P. Ellis & Co., thirty-seven and a half cents, and that the same be provided for in the general appropriation bill.*

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
 CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 25, 1848.

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SECRETARY OF STATE'S OFFICE,  
*Columbus, Ohio, March 28, 1848.*

I hereby certify that the foregoing acts and resolutions are true copies of the original, on file in this office.

SAM'L GALLOWAY,  
*Secretary of State.*

# INDEX.

## BRIDGE COMPANIES.

	Page.
To authorize the president and directors of the Miami Bridge Company to subscribe stock to the Hanover, Stillwell and Rossville Turnpike Company, passed January 23, 1848-----	34
To amend the "act to incorporate the Maumee and Perrysburg Toll Bridge Company," passed March 12, 1838, passed January 20, 1848-----	23
To authorize the construction of a tollbridge over the Great Miami, near Carrollton, Montgomery county, Ohio, passed February 8, 1848,	105
To amend the act entitled "an act to incorporate the East Fork Road and Bridge Company, passed February 8, 1848-----	103
To incorporate the Portsmouth Bridge Company, in Scioto county, passed February 18, 1848-----	160
To incorporate the Campaign Toll Bridge Company, passed February 14, 1848-----	133
To incorporate the Dresden Bridge Company, passed February 14, 1848-----	123
To authorize the Gallia, Jackson and Chillicothe Turnpike Company to erect a tollbridge across Raccoon creek, passed February 14, 1848,	137
To incorporate certain tollbridge companies in the town of Gallia, passed February 14, 1848-----	141

## CITIES AND TOWNS.

To amend the act entitled "an act to incorporate the town of Akron, in the county of Portage," passed March 12, 1836, passed February 2, 1848-----	62
To change the name of the town of New Hope, in the county of Preble, to that of Upshur, and to incorporate the same, passed January 29, 1848-----	50
To amend an act entitled "an act to incorporate the town of Washington, in the county of Guernsey," passed March 5, 1839, and the act amendatory thereto, passed March 5, 1844, passed January 29, 1848-----	52
To authorize the town council of the town of Greenville, in Darke county, to subscribe to the capital stock of the Greenville and Miami Railroad Company, passed February 2, 1848-----	55
To amend the act entitled "an act to incorporate the town of Cuyahoga Falls, in the county of Portage," passed March 5, 1836, passed February 2, 1848-----	56
To amend an act to incorporate the town of Marietta, passed March 15, 1837, passed January 28, 1848-----	41

CITIES AND TOWNS—*Continued.*

	Page.
To repeal an act entitled "an act to incorporate the town of Patriot, in the county of Gallia," passed March 12, 1839, passed January 29, 1848 -----	47
To amend an act entitled "an act to incorporate the town of Oberlin, in the county of Lorain, passed February 17, 1846, passed January 28, 1848 -----	34
To authorize the president and common council of the town of Portsmouth to levy a tax for school and other purposes, passed January 28, 1848 -----	37
To incorporate the town of Port William, in the county of Clinton, passed January 20, 1848 -----	25
To extend the corporate limits of the town of Bellbrook, in Greene county, passed January 25, 1848 -----	29
To amend an act entitled "an act to incorporate the city of Columbus, in the State of Ohio," passed December 28, 1847 -----	4
To incorporate the town of West Elkton, in the county of Preble, passed January 29, 1848 -----	47
To incorporate the town of Deerfield, in the county of Warren, passed December 28, 1847 -----	7
To amend the act entitled "an act to incorporate the city of Columbus, in the State of Ohio," passed January 11, 1848 -----	21
To exempt the corporation of the town of Springfield, Clark county, from the operation of the 27th section of the act entitled "an act to amend an act for levyieg taxes on all property in this State according to its true value, passed March 2, 1846," passed February 8, 1847, passed December 28, 1847 -----	7
To incorporate the town of New Petersburg, in the county of Highland, passed February 4, 1848 -----	71
To amend an act entitled "an act to incorporate the town of Westville," passed February 9, 1836, passed February 8, 1848 -----	114
To amend the act to incorporate town of Wooster, in the county of Wayne, passed January 24, 1821, passed February 8, 1848 -----	100
To extend the corporate limits of the town of Bloomingburg, in the county of Fayette, passed February 8, 1848 -----	102
To incorporate the town of Franklin, in the county of Warren, and to repeal all laws heretofore enacted on that subject, passed February 8, 1848 -----	109
To authorize the supervisor of the town of Bainbridge to lay out a part of the road tax on roads leading from said town, passed February 18, 1848 -----	163
To amend the charter of the city of Cleveland, and the several acts amendatory thereto, passed February 18, 1848 -----	153
To authorize the town council of the town of Troy, in Miami county, to borrow money for purposes therein specified, passed February 18, 1848 -----	160
Authorizing the mayor of the town of Greenville, to execute a release for a certain lot in said town, passed February 18, 1848 -----	154
To amend the act entitled an act to incorporate the town of New Richmond and Susanna, in the county of Clermont, passed February 21, 1848 -----	218
To incorporate certain towns therein named, passed February 18, 1848 -----	181
To amend an act to incorporate the town of Wilmington, in the county of Clinton, passed January 16, 1828, passed February 22, 1848, 230	



CITIES AND TOWNS—*Continued.*

	Page.
To extend the corporate limits of the town of New Westville, passed February 4, 1848 -----	77
To amend an act entitled an act to incorporate the town of Ripley, in the county of Brown, passed February 4, 1826, passed February 14, 1848 -----	120
To extend the corporate limits of the town of Lima, in the county of Allen, passed February 14, 1848 -----	123
To amend the act entitled an act to incorporate the town of Logan, in the county of Hocking, passed March 5, 1837, passed February 14, 1848 -----	125
To amend the act incorporating the town of Troy, in the county of Miami, passed March 7, 1842, and to repeal certain sections of an act amendatory thereto, passed February 26, 1846, passed February 18, 1848 -----	175
To incorporate the town of Gilboa, in the county of Putnam, passed February 18, 1848 -----	167
To extend the corporate limits of the town of Xenia, in Greene county, passed February 18, 1848 -----	170
To incorporate certain towns therein named, passed February 18, 1848 -----	169
To incorporate the town of Hillsboro', in the county of Highland, passed February 18, 1848 -----	167
To amend the act to incorporate and establish the city of Dayton, passed February 19, 1848 -----	207
To amend the act entitled an act to incorporate the town of Clinton, in the county of Huron, passed February 7, 1848 -----	89
To incorporate the town of Vandalia, in the county of Montgomery, passed February 7, 1848 -----	89
To amend the act to incorporate the town of Salineville, in the county of Columbiana, passed February 5, 1848 -----	82
To extend to the town of Ripley, in the county of Brown, the operation of an act to encourage the organization of fire companies, and to repeal other acts, passed February 8, 1847, passed February 7, 1848 -----	85
To incorporate Maumee city, in the county of Lucas, passed February 24, 1848 -----	246
To authorize the city council of Cincinnati to erect a market house, &c., passed February 24, 1848 -----	252
To regulate the sale of intoxicating liquors in the town of Cuyahoga Falls, passed February 25, 1848 -----	269

## COUNTIES AND COUNTY COMMISSIONERS.

To repeal that part of the act entitled an act to authorize Marion and other counties therein named, to subscribe to the capital stock of certain companies, to make public improvements, which relates to Delaware county, passed January 28, 1848 -----	39
To extend to the counties of Franklin and Madison, the provisions of an act passed January 29, 1847, passed January 11, 1848 -----	19
To change a portion of the boundary line between the counties of Stark and Tuscarawas, passed February 4, 1848 -----	79
To erect the county of Auglaize, passed February 14, 1848 -----	128
To authorize the commissioners of Ashland and Richland counties to contract for the admission of the paupers of Ashland county in the poor house of Richland county, passed January 29, 1848 -----	53

COUNTIES AND COUNTY COMMISSIONERS — <i>Continued.</i>	Page.
To authorize the commissioners of Summit county to levy a tax for bridge purposes, passed January 11, 1848-----	19
To amend an act entitled an act to give the commissioners of Clark county, jurisdiction, for certain purposes, over a portion of the unfinished part of the National Road west of Springfield, passed January 14, 1847, passed January 11, 1848-----	22
To authorize the commissioners of Washington county to borrow money, passed December 28, 1847-----	5
Authorizing the commissioners of Darke county to subscribe to the capital stock of the Greenville and Miami Railroad Company, passed January 5, 1848-----	10
Authorizing the commissioners of Pickaway county to sell lot No. 28, in Olds, Huston & Co.'s first addition to the town of Circleville, passed January 11, 1848-----	16
To authorize the commissioners of Putnam county to equalize the road taxes belonging to certain free turnpike roads, passed February 8, 1848-----	92
To authorize the county commissioners of Coshocton and other counties to subscribe to the capital stock of railroad companies, passed February 18, 1848-----	191
To authorize Muskingum county and the town of Zanesville, to subscribe to the capital stock of the Central Ohio Railroad, passed February 18, 1848-----	165
To amend the act to authorize the county commissioners of Hancock county to subscribe to the stock of the Lake Erie and Mad River Railroad, passed February 14, 1848--	145
To regulate the levying of a tax for road purposes in the county of Belmont, and the time and manner of working out said tax, passed February 8, 1848-----	103
To amend the act to authorize the county commissioners of Hancock county to subscribe to the stock of the Lake Erie and Mad River Railroad, passed February 14, 1848-----	145
Authorizing the commissioners of Henry county to restore certain free turnpike roads in said county, and to authorize commissioners to lay out and establish a State road in the counties of Lawrence and Scioto, and for other purposes, passed February 18, 1848-----	189
To authorize the commissioners of Cuyahoga county to levy a discriminating tax for the establishment and support of a poor house in said county, passed February 19, 1848-----	210
To authorize the commissioners of Perry county to locate roads, and for other purposes, passed February 24, 1848-----	245
To erect the county of Morrow, passed February 24, 1848-----	233
Relating to the duties and powers of the county commissioners of Hamilton county, passed February 24, 1848-----	266
To give certain powers to the commissioners of Hamilton county, with reference to the Montgomery and Cincinnati road, passed February 25, 1848-----	274
To authorize the commissioners of Fairfield county to subscribe stock in a railroad, passed February 24, 1848-----	254

#### HYDRAULIC COMPANIES.

To incorporate the Martinsville Hydraulic Company, in Belmont county, passed February 19, 1848-----	212
---	-----

HYDRAULIC COMPANIES—*Continued.*

	Page.
To incorporate the Waynesville Hydraulic Company, passed February 18, 1848 -----	157
To incorporate the Spring Valley Hydraulic Company, passed January 25, 1848 -----	27

## INDIVIDUALS.

Creating Tabitha Cuma Catharine Cotton the legal heir and representative of John and Lucy Parker, and to legitimate Catharine, wife of Daniel B. Morey, of Huron county, passed February 4, 1848 ----	66
To authorize the commissioners of Clark county to release Samuel Black from a recognizance therein named, passed January 11, 1848, -----	18
For the relief of Thomas Trimble, passed February 14, 1848 -----	136
To appoint Albert Morley trustee of Laura Calkins, passed February 19, 1848 -----	205

## INSURANCE COMPANIES.

To incorporate the Union Fire Insurance Company of Cincinnati, passed February 21, 1848 -----	215
To incorporate the Farmers' Mutual Fire Insurance Company of Medina county, passed February 8, 1848 -----	95
To amend an act entitled "an act to incorporate the Montgomery County Mutual Fire Insurance Company," passed February 3, 1844, passed January 11, 1848 -----	17
Further to amend the act entitled "an act to incorporate the Stark County Mutual Insurance Company," passed March 29, 1837, passed January 25, 1848 -----	29
To incorporate the Toledo Fire and Marine Insurance Company, passed February 2, 1848 -----	57

## LITERARY INSTITUTIONS, ETC.

To incorporate the Richland Academic Institute, in Logan county, passed February 14, 1848 -----	126
To incorporate the Xenia Academy, passed February 11, 1848 ----	114
To incorporate the Newtown College, in Hamilton county, passed February 19, 1848 -----	211
To amend the act entitled "an act further to amend the several acts establishing the Miami University," passed February 19, 1819, passed February 7, 1848 -----	88
To incorporate the Felicity Female Seminary, in Clermont county, passed February 14, 1848 -----	135
To incorporate the Western Art Union, passed February 22, 1848 --	228
To incorporate the Edinburgh College, passed February 21, 1848 --	220
To incorporate the Medina Academy, Medina county, passed February 18, 1848 -----	188
To incorporate the Cleveland Library Association, passed February 18, 1848 -----	149
To incorporate R. M. Bartlett's Commercial College, Cincinnati, passed January 7, 1848 -----	12
To change the name of the Richmond Classical Institute of Jefferson county, passed December 28, 1848 -----	7
To incorporate Gundry & Bacon's Cincinnati Mercantile College, passed January 11, 1848 -----	21

LITERARY INSTITUTIONS, ETC.—*Continued.*

	Page.
To incorporate the Board of Directors of Muhlenburg College, at the town of Jefferson, in Harrison county, passed January 11, 1848 --	19
To incorporate the Starling Medical College, in the city of Columbus, passed January 28, 1848 -----	31
To amend the "act incorporating the Cincinnati Classical Academy," passed January 29, 1848 -----	46

## MISCELLANEOUS.

To provide for the sale of certain lands therein named, passed February 18, 1848 -----	147
To incorporate the Dayton Gaslight and Coke Company, passed February 4, 1848 -----	78
To incorporate the Medical and Surgical Society of the county of Ashland, passed February 4, 1848 -----	76
To incorporate the Raccoon Navigation Company, passed February 4, 1848 -----	73
To incorporate the Lafayette Fire Engine Company, No. 2, in Mt. Vernon, Ohio, passed January 28, 1848 -----	39
To incorporate the Chillicothe German Fire Company in Ross county, passed February 18, 1848 -----	149
To incorporate the American Christian Bible Society, passed February 7, 1848 -----	87
To incorporate the German United Evangelical Synod of America, passed February 18, 1848 -----	180
To incorporate the Scioto Manufacturing Company, passed February 2, 1848 -----	64
Further to amend the act incorporating the Milan Canal Company, passed January 29, 1848 -----	46
To revive and continue in force the provisions of an act entitled "an act to amend an act to incorporate the Portsmouth Drydock and Steamboat Basin Company," passed February 14, 1846, passed January 29, 1848 -----	50
To authorize the trustees of the Methodist Episcopal Church of Plymouth, New Haven township, Huron county, to sell the parsonage property of said church, and for other purposes, passed February 21, 1848 -----	220
To repeal a portion of the act entitled an act regulating the navigation of Muskingum river and its branches, passed February 9, 1813, passed January 11, 1848 -----	22
To incorporate the Black River Navigation Company, passed February 19, 1848 -----	195
To incorporate the Akron Cold Spring Company, passed January 20, 1848 -----	23
For the relief of the fund commissioners of Knox county, passed December 28, 1847 -----	3
To incorporate the proprietors of the Burnthouse, Cincinnati, passed January 4, 1848 -----	8
To extend the act for the appointment of commissioners of sewers, passed March 26, 1841, to the counties of Scioto and Preble, passed January 5, 1848 -----	10
To amend an act entitled an "act to authorize the sale and conveyance of certain lots in Mansfield, in Richland county," passed February 5, 1847, passed January 5, 1848 -----	11
To repeal the act entitled "an act to prevent intemperance in Medina, Huron and Erie counties," passed January 28, 1848 -----	35

## MISCELLANEOUS—Continued.

Page.

To incorporate the Chippeway Cemetery Association of Lafayette township, Medina county, and the Port Washington Cemetery Association in Salem township, Tuscarawas county, passed January 11, 1848 -----	14
To amend the act providing for the appointment of commissioners of sewers in certain counties in this State, passed February 8, 1848-----	100
Relating to the special road district of Millcreek township, Hamilton county, passed February 18, 1848 -----	146
To incorporate the State Medical Society, passed February 22, 1848, -----	231
To authorize the trustees of townships in certain counties to levy an additional road tax, passed February 22, 1848 -----	226
To amend an act entitled "an act to establish grades and enforce the paving and McAdamizing of streets, roads, lanes and alleys in the southern precinct of Millcreek township, Hamilton county, Ohio, passed March 6, 1844, and to amend the several acts heretofore passed amendatory thereto, passed February 22, 1848 -----	232
To amend an act entitled "an act to dispose of two escheated lots in the town of Mansfield, Richland county," passed February 8, 1847, passed February 22, 1848 -----	232
To amend the act entitled "an act to prevent nuisances in the county of Pike," passed February 14, 1848 -----	132
To amend the act entitled "an act to incorporate the Mechanics' Saving Fund Society of Steubenville," passed February 8, 1834, passed February 11, 1848 -----	115
To repeal a certain act therein named, passed February 14, 1848 ---	126
To incorporate the Xenia Water Company, passed February 14, 1848, -----	138
To incorporate the Fairfield County Savings Institute, at Lancaster, passed February 24, 1848 -----	248
To amend the act entitled "an act providing for the inspection of sawed lumber and shingles in Hamilton county," passed February 8, 1847, passed February 24, 1848-----	250
To authorize the trustees of township in Auglaize county to levy an additional road tax, passed February 24, 1848-----	247
To quiet the title of the northeast quarter of section twenty-five, in township three, north, of range three, east, in the county of Paulding, passed February 24, 1848-----	265
To repeal the act to enlarge the corporate limits of the town of Zanesville; also, to repeal the act to incorporate the Lutheran and German Reformed Church and Society of New Rumley, in the county of Harrison; and to authorize the city of Toledo to levy a tax for the construction of sewers, passed February 25, 1848-----	270
To provide for laying an additional road tax in Lafayette township, Medina county, passed February 24, 1848-----	245

## PLANK ROADS.

To incorporate the Center Plank Road Company, passed February 19, 1848 -----	209
To incorporate the Toledo and Woodville Plank Road Company, passed February 11, 1848 -----	117
To incorporate the Tiffin and Findlay Plank Road Company, passed February 24, 1848-----	263
To incorporate the Chagrin Falls and Cleveland Plank Road Company, and for other purposes, passed February 18, 1848 -----	152

PLANK ROADS—*Continued.*

Page.

Further to amend the act entitled "an act to incorporate the Milan and Richland Plank Road Company," passed January 23, 1845, passed February 18, 1848 -----	156
To incorporate the Lorain Plank Road Company, passed January 28, 1848 -----	36
To incorporate the Toledo Plank Road Company, passed January 28, 1848 -----	42
To incorporate the Crawford, Seneca, and Erie and Monroeville Plank Road Company, passed January 27, 1848 -----	48

## RAILROADS.

To increase the capital stock of the Mad River and Lake Erie Railroad Company, passed December 27, 1847 -----	3
To amend an act entitled "an act to incorporate the Wilmington and Tods Fork Railroad Company," passed January 5, 1848 -----	11
To amend the act incorporating the Cleveland, Columbus and Cincinnati Railroad Company, and for other purposes, passed February 8, 1848 -----	93
To incorporate the Lancaster Railroad Company, passed February 18, 1848 -----	179
To incorporate the Delaware and Kenton Railroad and Slackwater Company, passed February 18, 1848 -----	154
To incorporate the Central Valley Railroad Company, passed February 18, 1848 -----	179
To incorporate the Wellsville, Millersburg and Mount Vernon Railroad Company, passed February 18, 1848 -----	178
To incorporate the Cleveland, Painesville and Ashtabula Railroad Company, passed February 18, 1848 -----	184
To incorporate the Kalida and Miami Extension Canal Railroad, passed February 18, 1848 -----	177
To incorporate the Cleveland and Mahoning Railroad Company, passed February 22, 1848 -----	227
To authorize the Columbus and Xenia Railroad Company to construct a branch railroad to Delaware, passed February 4, 1848 -----	79
To amend an act entitled "an act to incorporate the Dayton and Deerfield Railroad Company," passed February 6, 1847, passed February 14, 1848 -----	131
To amend the act to incorporate the Columbus and Xenia Railroad Company, passed March 12, 1844, and the acts amendatory thereto, passed February 14, 1848 -----	140
To incorporate the Akron and Pittsburgh Railroad Company, passed February 24, 1848 -----	257
To incorporate the Sunfish, Mills Creek and Muskingum Railroad Company, passed February 19, 1848 -----	204
To authorize an increase of the capital stock of the Mansfield and Sandusky City Railroad Company, passed February 19, 1848 -----	193
To incorporate the Great Western Railroad Company, passed February 24, 1848 -----	235
To incorporate the Xenia, Eaton and Indiana Railroad Company, passed February 24, 1848 -----	251
To amend the act entitled an act to incorporate the Columbus and Pittsburgh Railroad Company, passed March 2, 1846, passed February 24, 1848 -----	235

RAILROADS— *Continued.*

	Page.
To incorporate the Ohio and Pennsylvania Railroad Company, passed February 24, 1848 -----	261
To incorporate the Steubenville and Indiana Railroad Company, passed February 24, 1848 -----	256
To amend the charter of the Little Miami Railroad Company, passed February 24, 1848 -----	262
To amend the act entitled an act to incorporate the Springfield and Columbus Railroad Company, passed March 2, 1846, passed February 24, 1848 -----	259
To incorporate the Bellefontaine and Indiana Railroad Company, passed February 25, 1848 -----	275
To incorporate the Dorr's Run Lateral Canal and Railroad Company in Athens county, passed February 24, 1848 -----	258

## STATE ROADS.

For the improvement and repair of the Cincinnati and Carthage road, and for other purposes, passed February 4, 1848 -----	67
To lay out and establish a graded State road in the counties of Stark and Carroll, passed February 2, 1848 -----	63
To lay out and establish a graded State road in the counties of Tuscarawas and Carroll, passed January 28, 1848 -----	36
To lay out and establish a graded State road in the counties of Meigs, Gallia and Jackson, passed January 28, 1848 -----	38
To lay out and construct a graded State road from Middletown, in Jackson county, to Vinton, in Gallia county, passed January 22, 1848 -----	25
To lay out and establish a graded State road from David Downer's, in Guernsey county, to the town of Freeport, in Harrison county, passed January 11, 1848 -----	17
To appoint commissioners to lay out and establish a graded State road in the counties of Putnam and Henry, passed February 8, 1848 -----	102
To establish a State road in the counties of Preble and Montgomery, passed February 8, 1848 -----	111
To vacate part of the State road leading from Coshocton to Mount Vernon, passed February 18, 1848 -----	148
To amend an act entitled an act to lay out and establish a graded State road from Leesburgh, in Carroll county, to Zoar, in Tuscarawas county, passed January 5, 1847, passed February 22, 1848, -----	229
To authorize the commissioners of Washington county to establish a certain road therein named, passed February 14, 1848 -----	120
To lay out and establish a graded State road in the counties of Gallia and Jackson, passed February 18, 1848 -----	174
To establish a graded State road in the counties of Gallia, Meigs and Athens, passed February 18, 1848 -----	173
To lay out and establish a State road from Bellefontaine to St. Marys, passed February 5, 1848 -----	84

## SCHOOLS, SCHOOL LANDS, ETC.

To authorize the trustees of Wayne township, Muskingum county, to sell the northwest quarter of section 8, township 3, of range 5, and the southwest quarter of section 8, of township 3, range 5, belonging to the original surveyed township 12, of range 13, passed January 28, 1848 -----	33
---	----

SCHOOLS, SCHOOL LANDS, ETC.—*Continued.*

	Page.
To authorize the sale of school section 16, in St. Marys township, Mercer county, passed January 29, 1848 -----	49
To amend the act for the support and better regulation of the public schools in the town of Zanesville, passed March 12, 1839, passed February 2, 1848 -----	54
To amend the act entitled "an act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847, passed January 28, 1848 -----	40
To authorize the sale of school lands in Brown township, Paulding county, passed January 29, 1848 -----	48
To authorize the sale of school section sixteen, in township four, and range nineteen, in Bloom township, Scioto county, passed January 28, 1848 -----	35
To revise an act entitled "an act to authorize the sale of school section sixteen, in Rutland township, Meigs county," passed March 12, 1844, passed January 28, 1848 -----	37
To authorize the sale of school section sixteen, in Auglaize township, Allen county, passed January 28, 1848 -----	38
To repeal the act entitled "an act for the support and better regulation of common schools in school district number one, in Ravenna, and for other purposes," passed January 29, 1848 -----	51
To authorize the sale of the north half of section sixteen, in Crawford township, Wyandott county, Ohio, passed January 22, 1848 -----	27
To amend an act entitled "an act for the support and better regulation of common schools in the city of Columbus," passed February 3, 1845, passed February 24, 1848 -----	259
For the support and better regulation of Common schools in the Lebanon school district, in Warren county, passed February 24, 1848, -----	237
To authorize the sale of the southeast quarter of section thirty-three, and the southwest quarter of section thirty-five, township number five, south, of range number four, Mercer county, passed February 25, 1848 -----	274
To revive and create permanently the office of treasurer in original township number one, in the county of Hamilton, and for other purposes, and to give additional powers to the trustees of school section in Green township, Hamilton county, and to authorize the sale of said section, passed February 24, 1848 -----	241
To authorize the sale of certain school lots in Xenia township, Greene county, and in Jackson township, Pike county, passed December 28, 1847 -----	8
To levy a tax upon the town of Lancaster to pay the indebtedness of Lancaster school district number one, in Hocking township, Fairfield county, passed December 28, 1847 -----	5
To authorize the sale of certain school lands in Richland county, belonging to fractional townships in Knox county, passed February 8, 1848 -----	91
To authorize the sale of school section sixteen, in Loudon township, Seneca county, Ohio, passed February 8, 1848 -----	92
To authorize the sale of school section sixteen, in original township two, south, of range fifteen, east, formerly in the county of Crawford, but now partly of the county of Crawford and partly in the county of Wyandott, passed February 8, 1848 -----	92
To authorize the sale of the unsold part of school section sixteen, in Perry township, in the county of Montgomery, passed February 8, 1848 -----	91



## SCHOOLS, SCHOOL LANDS, ETC.—Continued.

	Page
To authorize the sale of school section sixteen, in Crane township, Wyandott county, Ohio, passed January 20, 1848-----	24
To amend the act entitled "an act authorizing the sale of section sixteen, in Townsend township, Sandusky county," passed February 8, 1848-----	102
Further to enable the Knoxville School Company, in Jefferson county, to close the concerns of said company, passed February 8, 1848--	107
For the support and better regulation of common schools in the town of Lithopolis, Fairfield county, passed February 18, 1848-----	185
To authorize the directors of school district number three, in Moorefield township, Harrison county, to sell a certain school lot, and for other purposes, passed February 18, 1848-----	150
For the better regulation and support of schools in the city of Cleveland, and for other purposes, passed February 18, 1848-----	151
To authorize the sale of section sixteen, Harris township, Ottawa county, passed February 18, 1848-----	162
To authorize the holders of certain imperfect leases of ministerial section number twenty-nine, township four, range twelve, Meigs county, to surrender said leases under the "act to regulate the sales of ministerial and school lands, and the surrender of permanent leases thereto," passed February 2, 1843; passed February 18, 1848---	172
To authorize the directors of school district number six, in Jefferson township, Madison county, to sell a certain school lot, passed February 18, 1848-----	157
To provide for the surrender of leases of Virginia Military School Lands, in Ashland county, passed February 18, 1848-----	164
To authorize the directors of school district number three, in Montgomery township, Ashland county, to sell the school house and lot of said district, passed February 18, 1848-----	190
To authorize the sale of section sixteen, in Fox township, Carroll county, passed February 18, 1848-----	188
To authorize the sale of school section sixteen, in Richfield township, Lucas county, passed February 21, 1848-----	219
To authorize the sale of school section sixteen, in original surveyed township number three, of range six, east, in Montgomery county, passed February 4, 1848-----	80
To incorporate school district number one, in Perry township, Stark county, passed February 21, 1848-----	223
No authorize the sale of the unsold part of school section sixteen, in Manchester township, Morgan county, passed February 14, 1848-	137
To amend the "act to provide for the valuation and sale of a certain tract of school land in Stark county," passed February 8, 1847, passed February 14, 1848-----	139
To authorize the sale of section sixteen, township seven, range six, in Shelby county, passed February 14, 1848-----	140
For the relief of school district number one, in Circleville township, Pickaway county, and school district number four, in Clear Creek township, Ashland county, passed February 14, 1848-----	139
To authorize the directors of school district number two, in Gratis township, Preble county, to sell a certain school lot, passed February 18, 1848-----	176
For the support and better regulation of common schools in the town of Lancaster, Ohio, passed February 19, 1848-----	199
To provide for the erection of school houses in the town of Springfield, Clark county, passed February 7, 1848-----	85

SCHOOLS, SCHOOL LANDS, ETC.—*Continued.*

Page.

To authorize the sale of section sixteen, in Washington township, De- fiance county, passed February 14, 1848 -----	144
To provide for the surrender of leases of Virginia Military School Lands in Ashland county, passed February 14, 1848 -----	145
To authorize the sale of school section number fifteen, in township number three, of range four, in German township, Montgomery county, passed February 14, 1848 -----	141
To authorize the sale of a part of school section sixteen, in Newton township, Muskingum county, passed February 14, 1848 -----	134
To authorize the sale of section sixteen in Crane township, Paulding county, passed February 19, 1848 -----	207
To provide for the sale of section sixteen, in Jefferson township, Wil- liams county, passed February 7, 1848 -----	85

## TURNPIKE ROADS.

To incorporate the Ithaca and Euphemia Turnpike Road Company, passed February 4, 1848 -----	71
To incorporate the Hanover and Reily Turnpike Road Company, passed February 2, 1848 -----	57
To incorporate the Clark and Union Turnpike Company, passed Feb- ruary 2, 1848 -----	61
To incorporate the Milton and Darke county Turnpike Company, passed January 20, 1848 -----	51
To amend the act entitled an act to incorporate the Troy and Stillwater Turnpike Company, passed March 7, 1842, passed January 22, 1848 -----	26
To incorporate the Troy and Newton Turnpike Road Company, pass- ed January 25, 1848 -----	30
To amend the act entitled an act to incorporate the Clark and Miami Turnpike Company, passed February 5, 1847, passed January 25, 1848 -----	31
To incorporate the Bellbrook and Spring Valley Turnpike Road Com- pany, passed December 28, 1847 -----	6
To incorporate the Eaton, Castine, and Greenville Turnpike Road Company, passed February 8, 1848 -----	94
To incorporate the Union and Greenville Turnpike Road Company, passed February 8, 1848 -----	111
To incorporate the Phillipsburg Turnpike Road Company, in Mont- gomery county, passed February 8, 1848 -----	90
To lay out and incorporate the Clevestown and Bridgetown Turnpike Road Company, passed February 21, 1848 -----	222
To incorporate the Columbus and Marysville Turnpike Company, passed February 21, 1848 -----	213
To incorporate the Springfield and South Charleston Turnpike Com- pany, and for other purposes, passed February 4, 1848 -----	72
To incorporate the Circleville and the Port William, New Burlington and Adelphi Turnpike Road Company, passed February 25, 1848, -----	272
In relation to the Urbana, Troy and Greenville Turnpike Road Com- pany, passed February 4, 1848 -----	193
To incorporate the Butler and Warren Turnpike Road Company, passed February 24, 1848 -----	247
To incorporate the Ross County Turnpike Company, passed February 19, 1848 -----	204

TURNPIKE ROADS — *Continued.*

	Page.
To incorporate the Higginsport and Russelville Turnpike Company, passed February 14, 1848 -----	125
To incorporate the Paintersville and Spring Valley Turnpike Company, passed February 14, 1848 -----	119
To amend an act entitled an act to revive and amend an act entitled an act to incorporate the Portsmouth and Columbus Turnpike Company, passed February 11, 1848 -----	116
To amend the act to incorporate the Dayton and Wilmington Turnpike Road Company, and for other purposes, passed February 18, 1848 -----	166
To incorporate the Tippecanoe and New Carlisle Turnpike Road Company, passed February 5, 1848 -----	80
To incorporate the Xenia and Bellbrook Turnpike Company, passed February 5, 1848 -----	83
To incorporate the Xenia and Fairfield Turnpike Company, passed February 5, 1848 -----	81
To amend the act entitled "an act to incorporate the Salem Turnpike Road Company," passed January 29, 1847, passed February 5, 1848 -----	82
To incorporate the Blueball and Red Lion Turnpike Company, passed February 5, 1848 -----	84
To incorporate the Xenia and Clifton Turnpike Company, passed February 5, 1848 -----	82
To incorporate the Troy and Piqua Turnpike Company, passed February 7, 1848 -----	90
To incorporate the Liberty Turnpike Road Company in Montgomery county, passed February 7, 1848 -----	88

## TURNPIKES, FREE.

To lay out and establish a free turnpike road from Kenton to intersect the free turnpike road from Bellefontaine to Lima, passed February 4, 1848 -----	69
To amend the act entitled "an act to lay out and establish the Hull Prairie free turnpike road, passed February 4, 1848 -----	70
To appoint commissioners to lay out and establish a free turnpike road from or near the center of Washington township, Defiance county, to the Indiana State line, passed February 2, 1848 -----	61
To amend an act entitled "an act to lay out and establish a free turnpike road from Locust Point, in Ottawa county, to the Maumee and Western Reserve road, in Sandusky county," passed February 8, 1847, passed January 29, 1848 -----	46
To amend an act passed March 4, 1844, "to establish a free turnpike road from Columbus to Bellefontaine," passed January 29, 1848 --	47
To amend the act establishing the Wapaukonnetta and Kalida, and Lima and Defiance free turnpike roads in the county of Putnam, passed January 28, 1848 -----	38
Supplementary to an act entitled "an act to lay out and establish a free turnpike road in the county of Gallia, passed January 7, 1848, 13	
To lay out and establish the Mt. Vernon, Bennington and Delaware free turnpike road, passed February 25, 1848 -----	271
To lay out and establish a free turnpike road in Wood county, and in relation to a State road running from Mt. Vernon, in Knox county, through Mansfield, in Richland county, passed February 24, 1848, 236	
To amend the act to establish a free turnpike road from Wintersville,	

TURNPIKES, FREE.—*Continued.*

	Page.
in Jefferson county, to Massillon, in Stark county, passed February 8, 1848 -----	108
To amend the act creating the Turkeyfoot free turnpike, passed March 2, 1846, passed February 8, 1848 -----	94
To appoint commissioners to lay out and establish a free turnpike road in the county of Henry, passed February 8, 1848 -----	101
To lay out and establish a free turnpike road from Sidney to St. Marys, passed February 8, 1848 -----	101
To establish a free turnpike road from Canton, in Stark county, to New Harrisburg, in Carroll county, passed February 8, 1848 -----	108
To lay out and establish a free turnpike road from Delaware, in Delaware county, to Kenton, in Hardin county, passed February 8, 1848 -----	106
To lay out and establish a free turnpike road from Bellecentre, in Logan county, to Roundhead, in Hardin county, passed February 8, 1848 -----	112
To lay out and establish the Williamstown and Patterson free turnpike road, passed February 8, 1848 -----	113
To lay out and establish a free turnpike road from Urbana, in Champaign county, to Marysville, in Union county, and for other purposes, passed February 22, 1848 -----	226
To amend an act entitled an act to establish a free turnpike road on the line of the State road from Lower Sandusky to Findlay, in Hancock county, passed February 10, 1845, passed February 14, 1848 -----	122
To authorize the commissioners of Logan county to relocate a part of a free turnpike road, passed February 14, 1848 -----	122
To provide for laying out and establishing the Sandusky Bay and Woodville free turnpike road, passed February 14, 1848 -----	126
To lay out and establish the Toledo and Port Clinton Free Turnpike Road, passed February 14, 1848 -----	127
To lay out and establish a free turnpike road from Richland, in Logan county, to Roundhead, in Hardin county, passed February 18, 1848 -----	177
To appoint commissioners to lay out and establish a free turnpike road in the county of Paulding, passed February 18, 1848 -----	176
To lay out and establish a free turnpike road from Stephen Latimer's, in Union county, to Urbana, in Champaign county, passed February 18, 1848 -----	173
To lay out and establish a free turnpike road from the Dayton and Western Turnpike, to the Germantown and Eaton Road, in Montgomery county, passed February 18, 1848 -----	171
Appointing commissioners to lay out and establish a free turnpike road from Eaton to Sugar Valley, in Preble county, passed February 18, 1848 -----	168
To establish a free turnpike road from Marysville, in Union county, to Kenton, in Hardin county, passed February 18, 1848 -----	168
To lay out and establish the Bennington and Mount Gilead Free Turnpike Road, passed February 18, 1848 -----	163
To amend the act entitled an act to lay out and establish a free turnpike road from Woodville through Rollersville, in Sandusky county, passed February 9, 1846, passed February 5, 1848 -----	81
To appoint commissioners to lay out and establish a free turnpike road from the Maumee river, in Defiance county, to the south line of Ridgeville township, in Henry county, passed February 7, 1848 --	86

## RESOLUTIONS.

## A.

	Page.
Adams, John Quincy, relative to the decease of-----	316
Akron, town of, relative to printing the law regulating common schools-----	295
Apportionment, quadrennial, relative to-----	277
Apportionment, relative to printing extra copies of report of majority of joint select committee on the subject of -----	283

## ASYLUMS.

Blind, relative to printing report of -----	296
Deaf and Dumb, appointing trustees for-----	307
Lunatic, about Fredolin Baumgartner-----	305
Blind, appointing James Hoge director of-----	303
Deaf and Dumb, and Blind, touching the regulation of-----	317
Deaf and Dumb, relative to printing report of -----	296
Lunatic, reappointing Samuel Parsons director of -----	288
Attorney general, directed to take further steps in relation to the examination had in reference to the books and accounts of the Auditor and Treasurer of State -----	314
Attorney general, relative to printing report of-----	282
Auditor of State, relative to printing report of -----	297
Auditor of State, directed to issue instructions to township assessors -----	312
Auditor of State, requiring of, certain information in regard to the suits against sureties of late treasurer of Perry county-----	291

## B.

Banking, unauthorized, relative to violations of the act to prevent -----	286
Bills, new, against the introduction of, in either House, after 3d February, 1848-----	296
Board of Control of the State Bank of Ohio, requiring certain information from the president of-----	293

## BOARD OF PUBLIC WORKS.

Directing two thousand extra copies of the special report of, on the discriminating tolls on salt on the canals of this State, to be printed -----	298
Rescinding a part of the resolution of February 8, 1847, authorizing the, to adjust certain claims -----	311
Requiring of the, hereafter, separate special reports of all expenditures on public works under their charge, and for other purposes -----	298
Requiring of the, certain information in regard to the Mercer County Reservoir-----	314
Requiring the, in future, to submit the reports of engineers on the National Road separate from the annual report of said Board -----	294
Authorizing the, under the resolution of Feb. 4, 1845, to pay a sum not exceeding \$8000-----	287
Relative to printing extra copies of the annual report of the-----	285
Calling upon, for information relative to their action under a resolution in reference to adjusting certain claims.-----	281

## C.

## CLAIMS.

	Page.
Relative to the, of R. G. McLean and William Wall -----	306
Relative to certain -----	308
Relative to the, of Ira Grover and W. A. Platt & Co. -----	311
Relative to the, of Whiting & Huntington -----	304
To pay James Killin fourteen dollars -----	317
Relative to the payment of certain -----	318
Relative to certain -----	295
Appointing Governor, Auditor of State and Attorney General commission- ers to audit, allow and pay certain -----	293
Relative to certain -----	290
Relative to the, of Price & Hughes -----	290
Relative to the, of John Graham -----	290
Relative to the, of Michael Halm -----	289
Relative to the, of John Walton -----	289
Relative to the, of J. R. Scroggs -----	289
Relative to the, of George Riordan -----	288
Relative to the, of William Dawson -----	285
Clergymen of Columbus, thanking the, and for other purposes -----	315
Clergy of Columbus, declaratory of the meaning of resolution relative to prayer in both branches by the -----	278
Constitution, relative to amendment of the -----	278
Conover, Alexander, to pay, for certain services -----	308
Congress, relative to the powers and duties of, in certain cases, and the course of the Hon. Thomas Corwin with reference to the war with Mexico ----	299

## D.

David T. Disney and others, for the relief of -----	276
---	-----

## F.

Funds, school, in Ashland county, relative to the distribution of certain -----	300
---	-----

## G.

General Assembly, relative to the final adjournment of the -----	309
--	-----

## I.

Indexes, authorizing the clerks of the two Houses to prepare the, and com- plete the reports -----	310
---	-----

## J.

Johnson Henry, relative to -----	279
----------------------------------	-----

## L.

## LAWS.

About furnishing copies of school, to Wyandott county -----	309
Fixing the numbers of copies of the, general and local, and of the journals, distributable to the several counties of the State, &c. -----	301

*Laws—Continued.*

	Page.
Relative to furnishing copies of, and reports to Henry county-----	304
Furnishing the auditor of Ashland county, with the general and local----	315
Requiring the clerks of the courts of common pleas to deliver to poor house directors additional copies of, &c.-----	317
Lands, relative to the sale of, near the Wabash and Erie and Miami Ex- tension Canals in this State -----	282
Relative to the appraisement and sale of the canal lands, and lands be- longing to the State, bordering on the Loramie and Six Mile Reservoirs, 313	

## M.

Maps of the State of Ohio, relative to requiring the clerks of the two Houses to procure skeleton, for the use of the members-----	280
Maps, to pay E. T. Tappan, Esq., \$18 for, furnished to this General Assem- bly-----	293
Medical Societies and Colleges, relative to printing the report of committee of the Senate on-----	286
Miami University, appointing trustees for the -----	291

## O.

Ohio University, appointing certain trustees of-----	288
--	-----

## P.

## PENITENTIARY.

Relative to printing extra copies of the report of the standing committee of the House on the-----	283
Relative to lighting the Ohio-----	285
Relative to printing the report of the directors and warden of the Ohio--	281
Pennsylvania and Ohio Canal Company, relative to the reports of-----	292

## POSTAGE.

Relative to a change of, upon transient papers-----	304
Relative to the, of members and clerks-----	279
Relative to an amendment of the, laws-----	298

## R.

Railroad to the Pacific, relative to Asa Whitney's plan for a-----	292
Reports, Ohio, directing the Secretary of State to furnish the county of Au- glaize-----	316
Reports, Ohio, directing the Secretary of State to furnish the superior court of Cleveland, and the counties of Allen and Morrow, with-----	316
Reporter for the Court in Bank, appointing Hiram Griswold-----	287
Reservoir, Sippo, relative to the removal of the-----	305
Rivers and harbors, in relation to the improvements of western-----	310
Rules, joint, in relation to the-----	297
Rules, joint standing, rescinding so much of the 26th as prohibits the print- ing of bills for repealing acts or parts of acts-----	295
Rules, relative to printing standing and joint-----	281
Rules, relative to appointing a committee to prepare joint, for the government of the two Houses-----	280

## S.

Sandy and Beaver Canal Company, relative to pay certain tolls to the,-----	307
Sandy and Beaver Canal, relative to the completion of the-----	284
Slavery, declaring that so much of the ordinance of 1787 as relates to, should be extended to the territory acquired from Mexico-----	314
Superintendent of common schools, relative to printing extra copies of, report of -----	236
School lands, appointing James Smart, register of the Virginia military dis- trict, at Mansfield, Ohio-----	282
Schools, common, relative to the printing report of Secretary of State on the subject of -----	284
South fork feeder, about the headgate on the-----	306
State Library, authorizing commissioners of, to procure cases for said Li- brary -----	308
State House, directing the State Librarian to take charge of the-----	309
Secretary of State, directing to transmit certified copies of certain laws to the Governor of Pennsylvania-----	312

## T.

Tolls, relative to equalizing the, on all salt manufactured out of this State---	310
Territory, foreign, relative to the acquisition and control of, by the United States-----	300
Thanksgiving general, relative to appointing a day of-----	284

## Z.

Zanesville and Maysville Turnpike Road Company, relative to printing the report relating to the affairs of the-----	279
--	-----



ANNUAL REPORT  
OF THE  
AUDITOR OF STATE.

---

 AUDITOR OF STATE'S OFFICE,  
COLUMBUS, December 11, 1847.

*Gentlemen of the Senate, and  
House of Representatives :*

In discharge of the duties required of me by law, I submit to you the following statement of the condition of the Finances of the State of Ohio, and of the Receipts and Disbursements at the Treasury, for the year ending on the 15th day of November, 1847.

To exhibit this account of the Finances of the State, in such a form as to be easily understood, it is presented under the following heads :

I. A general statement of the receipts, from all sources, and of the total expenditures of the past year, with remarks in relation to the tax law, and finances of the State.

II. An estimate of the receipts and disbursements of the current year.

III. A detailed statement of the receipts and expenditures of each fund during the year.

IV. A statement of the several appropriations, the amount expended, and the balance of each appropriation unexpended.

V. A statement of the receipts and disbursements through the Department of Public Works, and of the balances of the several funds and accounts in the Treasury.

VI. Condition of the State Debt and Sinking Fund.

VII. An appendix, containing statistical tables.

# **I. GENERAL STATEMENT of the Receipts and Expenditures during the year 1847.**

## **RECEIPTS.**

Proceeds of tax of 8 mills on the dollar of the real and personal property, on the grand list of 1846, including taxes on delinquent and forfeited lands, and other taxes and incidental items, paid into the Treasury during the year ending 15th November, 1847----- \$1,202,528 47 5

This sum includes 1½ mills' tax for general revenue and incidental items ----- \$222,756 87 0

Six mills tax for Canal Fund, for payment of repairs on Public Works, and interest on State debt----- 890,422 95 8

One-half mill for State Common School Fund ----- 74,201 82 9

Tax on lawyers and physicians, pedlers' licenses, auction duties, and tax on Foreign Insurance Companies----- 15,146 81 8

Canal tolls, water rents and fines paid into the Treasury ----- 790,793 75 0

Dividends on canal and turnpike stocks held by the State----- 36,848 10 0

Interest on principal of surplus revenue, paid by counties ----- 86,379 06 7

Tax paid by banks, insurance and bridge companies----- 41,748 52 0

Received for canal lands sold, and other items--- 53,942 40 0

Total amount of ordinary annual revenues of the State paid into the Treasury, including interest on surplus revenue, payments for canal lands sold, and incidental items----- \$2,212,240 31 2

Principal of surplus revenue paid by counties, including amount paid from canal fund to the counties ----- 167,240 68 7

Total amount of receipts at the Treasury applicable to the support of the State Government and Institutions, payment of repairs on Public Works, interest on State debt, temporary loans, and to redemption of State bonds ----- \$2,379,480 99 9

School and Trust funds received, sections 16 and 29, Moravian school fund, &c. ----- 37,424 14 8

Tolls received upon National Road -----	\$42,614 59 0
Tolls received upon Western Reserve and Maumee Turnpike, applicable to the extension and repairs of the road -----	7,340 89 0
Proceeds of loans made prior to the 15th November, 1846, received from Fund Commissioners, under the act to provide for paying certain debts on the Public Works of the State, passed 2d March, 1846-----	32,368 98 0
Proceeds of loan from Clinton Bank-----	3,149 00 0
Turnpike bonds issued and paid into the Treasury, under the act for the relief of creditors of Turnpike Companies, in which the State is a stockholder, passed 8th February, 1847-----	32,052 55 0
National Road bonds issued and paid into the Treasury, under the provisions of the act for the relief of creditors on the National Road, passed 8th February, 1847-----	29,605 26 0
Three per cent. fund received from the United States and paid into the Treasury-----	52,599 28 0
Rents from Virginia Military school lands-----	3,700 28 0
Received from sundry counties, for Cincinnati Commercial Hospital and Lunatic Asylum--	439 28 0
Received from Fund Commissioners, balance of appropriation for turnpike companies-----	23,660 78 0
Received on judgment against Canton Bank----	300 00 0
Received on judgment against Duer & Birch ---	49 17 0
Total amount paid into the Treasury, for all purposes, during the year ending 15th Nov. 1847,	\$2,644,785 20 7
Balance in the Treasury on the 15th Nov. 1846,	247,518 45 1
Total-----	<u>\$2,892,303 65 8</u>

## EXPENDITURES.

Bills drawn, for appropriations, and paid during the year ending 15th November, 1847 -----	\$209,813 33 0
Common school fund paid to counties, &c. -----	201,319 31 0
Interest on foreign debt paid in New York -----	1,027,356 95 0
Interest paid on school and trust funds-----	86,216 16 6
Interest paid on domestic bonds at State Treasury	47,835 27 0
Exchange and expenses paid by Fund Comm'rs,	10,153 59 0
Repairs of canals and public works. paid-----	315,178 44 0
Expenses of Board of Public Works-----	2,389 69 0
Interest upon surplus revenue paid to counties--	5,675 64 9
Annual expenditures-----	<u>\$1,905,940 39 5</u>

Total amount paid for the ordinary annual expenditures of the State Government, repairs on public works, and interest on foreign and domestic debt of the State, brought forward ----	\$1,905,940 39 5
Paid for repairs on National Road, including \$3,-189 32, interest on National Road bonds-----	37,566 74 0
Paid for repairs and construction of Western Reserve and Maumee Turnpike -----	14,253 42 0
National Road bonds paid to creditors -----	29,388 22 0
Subscription to stock of turnpike companies paid	32,052 55 0
Domestic bonds redeemed-----	119,883 73 0
Rents of Virginia Military school lands received-	3,700 28 0
Three per cent. fund paid Delaware county----	130 00 0
Special deposit in Lancaster Bank, credited to Treasurer -----	2,066 00 0
Paid Cincinnati Commercial Hospital-----	207 28 0
Paid surplus revenue to several counties, amount loaned by them to Fund Commissioners ----	65,595 20 0
Repaid Butler county, on section 16-----	735 05 0
Paid expense of copies and reports from Lima and Perrysburgh Land Offices-----	75 00 0
Refunded purchase money for land erroneously sold-----	174 00 0
Paid Fund Commissioners' sinking fund-----	23,660 78 0
Paid on account of temporary liabilities, arrears of interest, &c.-----	162,146 97 4
<b>Total amount of disbursements, for all purposes, during the year-----</b>	<b>\$2,897,605 61 9</b>
<b>Balance in the Treasury 15th November, 1847-</b>	<b>\$494,698 03 9</b>

This exhibit of the receipts and expenditures during the past year, presents the gratifying fact that the sum of three hundred and six thousand two hundred and ninety-nine dollars and ninety-one cents has been received from the ordinary resources of the State, over and above the annual expenditures of the year.

It also appears that the sum applicable to the payment of the State debt, including the principal of Surplus Revenue repaid by the counties, is four hundred and seventy-three thousand five hundred and forty dollars and sixty cents.

This surplus arises, in part, from the great increase of tolls received upon the State canals and public works. Much, however, of the increase is properly attributable to the change in the system of taxation. the whole property of the State, upon the tax list of 1844, was valued at \$136,142,666, upon which a tax of seven mills upon the dollar, for State purposes, was levied, amounting to \$948,996 63. The duplicates of 1846, when the new system was only partially

in operation as to personal property, amounted to \$150,293,132, upon which a State tax of eight mills on the dollar was levied, amounting to \$1,208,562 22, making a difference in the State taxes levied in 1844 and 1846, of \$259,565 59.

The duplicates of 1847 amount to \$410,763,160, upon which a tax of 2½ mills on the dollar was levied for State purposes, amounting to \$1,139,967 95.

The State tax would have been increased to three mills on the dollar, but it was found that the revenues from the public works would this year be greater than was estimated, and, consequently, there would be a surplus, rendering a higher rate unnecessary to produce the amount which the Auditor is, by law, authorized to levy.

It will be seen that the sales of the State canal lands during the year have exceeded the estimate. The law of last session, by which the price was reduced and the lands secured to actual settlers, has been highly beneficial to the interests of the State. The policy and advantages of this act extend far beyond the actual value of the lands sold. If this liberal law is permitted to remain in force, the State will, no doubt, derive an annual revenue of fifty thousand dollars from this source for several years to come; and will soon gain much more than the price of the lands, in the improvements which will be made in that part of the State, in the labor and industry of the people who will occupy these lands, and in the wealth which they will create in a part of the State which is now, comparatively, a dense forest.

The tolls received upon the canals and public works of the State, during the year 1847, have greatly exceeded the revenues from this source in any former year; the increase over last year being \$195,314 66.

The dividends received during the past year, on the stock held by the State in turnpike companies, amounted to \$32,648 10. It is probable that the revenues of the State from these stocks will not, hereafter, fall below the sum received for the year 1847.

The sums received from all the different sources of State revenue, have been greater than the estimate presented in the last annual report from this office. The total receipts of the ordinary revenues being \$155,240 31 greater than the estimate. The expenditures have exceeded the estimate only \$37,029 38. This excess was caused, principally, by the unexpected increase of the repairs upon the public works of the State, occasioned by the occurrence of several high floods during the year.

The justice and expediency of the present system of taxation have been fully proved by its effects, and sustained by the judgment of the people. Under this law, a commencement has been made in the reduction of our State debt. It is important that this beginning should be carried out, by levying, every year, a sufficient sum to create a sinking fund, which should not be less than \$200,000 per annum. By this means, the debt which is now pressing as an onerous burden upon the State, would soon be reduced to a sum requiring no extraordinary effort to remove it altogether.

The people will cheerfully pay the high taxes necessary to reduce our State debt, if they can be assured that the debt will certainly be reduced, and finally paid off. The amount of the sinking fund to be annually raised should be fixed, by the Legislature, at such sum as will secure the gradual payment of the State debt within a reasonable time. If legal provision is made for an adequate sinking fund, the people of the State will not be disappointed in their desire for the extinguishment of the State debt. It is proper to observe that, on the 15th March, 1845, the entire amount applicable to the interest upon the State debt, and the payment of a large balance of outstanding checks and claims for repairs on the public works, was only \$13,872 33, while the accruing interest becoming due in May and July of that year, was \$582,722 73. A large part of this sum was borrowed, by the Fund Commissioners, on temporary loans, which have been renewed from time to time; the amount due at the commencement of the past year being about \$300,000. It is, therefore, certainly, a matter of gratification that, in less than three years, the condition of the finances of the State have been so much improved. A considerable portion of the temporary debt has been paid. The Fund Commissioners have, standing to the credit of the State, in New York, \$19,521 70. Domestic bonds, to the amount of \$119,663 73, have been redeemed, and there is still a balance in the Treasury of nearly half a million of dollars—a sum more than sufficient to pay the January interest in New York.

The amendatory act of the 8th February, 1847, has, it is believed, removed the principal defects which existed in the tax law of 2nd March, 1846. No well founded complaints have been heard from any part of the State against the law as amended, which, by its intrinsic equity, has recommended itself to the almost unanimous and cordial approbation of the citizens of the State.

An important provision was made in this amendatory act, requiring the rents reserved upon permanent leases, or leases for a term exceeding 14 years, to be returned and assessed as personal property, at a principal sum which would produce the annual rents at six per cent. Under this provision, more than one million five hundred thousand dollars have been added to the tax list in the city of Cincinnati. The legality of this act is questioned by the lessors, who have, in most cases, bound the tenants, by covenants in the leases, to pay all the taxes, assessments, and charges which may be levied upon the property leased. If this law shall not be sustained, the lessors will have secured to themselves incomes which will not be subject to an annual assessment or tax, and the tendency of such a decision would be to encourage long leases and perpetuities, and to create distinctions not founded in any public policy, and detrimental to the interests of the State. This section of the law was copied, in substance, from an act of the State of New York, entitled "an act to equalize taxation," and is believed to be correct in principle. It may be found that a verbal amendment will be necessary to give full effect to the law.

It is respectfully submitted that it would be proper to provide for an annual county board for the equalization of real property. Many cases of inequality in the valuation of real property exist, which would be corrected if power was conferred upon a board organized for that purpose, as prescribed in the first section of the amendatory act of 8th February, 1847. The session of the board could be held at the time of the annual meeting of the county commissioners in March.

The system of the cash valuation of property having been adopted, it is worthy of your consideration, whether it would not be in accordance with the principles of the law to authorize the auditor, in making transfers of property sold at private and judicial sales, to charge the property transferred on the duplicate, with the full consideration for which such property was sold, when the consideration is greater than the amount with which such property now stands charged.

The value of the real and personal property in the several counties, townships, and towns having been ascertained under the present law, it is necessary that the provisions of the law regulating the levies which the county commissioners, township trustees, and other officers are authorized to make, should be revised. The rate of taxation should be prescribed, so that it could be determined without reference to the old duplicates of 1845. In many counties, the amount authorized to be levied by the present law, is entirely too small for the purposes required.

The twenty-first section of the amendatory tax law of 8th February, 1847, should be repealed. Considerable complaint was made, in several counties, on account of the restriction of the school tax to be levied by the county commissioners to two-fifths of a mill on the dollar. The power to levy as large a tax for school purposes as the citizens of the county might desire, may well be left in the hands of their commissioners.

It is submitted to your consideration whether it would not be good policy and justice, to give to the counties, for the use of their school fund, a ratable proportion of the taxes assessed upon lawyers and physicians, and for peddlers' licences and auction duties. This seems to be just in itself, and it would insure greater uniformity and vigilance in the assessment and collection of these taxes.

A further amendment of the 56th section of the act of 2d March, 1846, is deemed expedient. The taxes assessed in many of the towns and cities, are levied and collected upon lists prepared by the county auditor for the officers of the corporation, and are not entered upon the general duplicate of taxes assessed. In other cities and towns, the taxes levied for corporation purposes are certified to the county auditor by the corporation officers, and placed upon the duplicate, and collected in the same manner that county and township taxes are collected. It has been questioned whether the 27th section of the act of 8th February, 1847, gives authority to corporation officers, who had not the power under their charters, to certify the taxes levied for corporation purposes to the county auditor.

All taxes levied and collected in any county, district or corporation, should be assessed upon the proper duplicate of the county. Corporation taxes can be collected in this manner with much less difficulty and expense, than by having separate duplicates and corporation collectors.

The 21st section of the act for the support and better regulation of common schools, and to create permanently the office of superintendent, passed March 7, 1838, provides that the township clerk shall be entitled to receive from the county treasury, compensation for taking the enumeration of the youth in his district, for the time necessarily employed in taking the enumeration and conveying the same to the county seat; the amount to be paid to him after the trustees of his township shall have examined his account and certified that the same is correct. This provision should be modified. The compensation, if audited and allowed by the township trustees, should be paid out of the township treasury. If it is required to be paid out of the county treasury, it should be subject to the examination of the county auditor. Great irregularity now exists in the compensation paid for this service, even in the same county. The service being for the benefit of the township, should be paid for out of the township treasury.

The claims reported to this office by the Special Commissioners, under the provisions of the act for the settlement and payment of claims for work on the National Road, passed March 2, 1846, were examined by the Attorney General and Auditor, as required by the act for the relief of creditors on the National Road, passed February 8th, 1847.

Additional testimony was received in several cases, and claims to the amount of \$29,605 26 were allowed: a schedule of which was filed in the office of the Canal Fund Commissioners, upon which bonds were issued, as required by that act.

A schedule of the claims rejected, with a brief statement of the reasons for the rejection of such claims, will be reported in accordance with the provisions of the law.

Settlements have been made with several Turnpike Companies, in accordance with the provisions of an act for the relief of creditors of turnpike companies in which the State is a stockholder, passed February 8th, 1847. Turnpike bonds have been issued to these companies, during the past year, to the amount of \$32,052 55, under the provisions of that act.

It is believed that no further demand will be made upon the Treasury on account of subscriptions of stock to turnpike companies.

The claims presented against the State, growing out of the requisition of the President of the United States upon the Governor of Ohio for three regiments of volunteers, in 1846, and the call of the Governor to meet that requisition, were examined by the Governor, Auditor of State, and Attorney General, as required by a resolution of the last General Assembly, and the act to provide for the payment of certain claims against the State of Ohio. A part of these claims, amounting to the sum of \$1,089 39, have been allowed, and others are retained for further evidence.



A question of importance to the State was presented under the "act to provide for the State printing," passed 12th March, 1845, and the act supplementary thereto, passed 21st February, 1846, and certain resolutions of the Senate. Contracts were made with Charles Scott and Jonathan Phillips, in June 1846, to execute the State printing for the term of three years, in accordance with the provisions of these acts.

The Senate, on the 17th December, 1846, passed a resolution appointing Samuel Medary printer for the Senate during the session; and on the 23d December, a resolution was passed requiring the Clerk of the Senate to purchase, for the use of the Printer of the Senate, paper necessary to enable the printer to execute the printing of the Senate.

Under these resolutions the clerk procured the paper, and Mr. Medary proceeded to print the Senate bills and journal, and such documents as were ordered by the Senate.

The appropriations for printing and for stationery, made by the act of 8th February, 1847, were general, being "for State printing," and "for stationery for the State."

The accounts for printing and for the paper purchased, were presented for payment, and the question was submitted to the Attorney General, for his opinion, whether these accounts could be legally paid. I received from the Attorney General a written opinion, which he concludes by saying, "I am therefore of opinion that the account of Mr. Medary must be paid, notwithstanding the loss the State may suffer in providing a just indemnity for the regular contractors, and by departing from the economical and wise policy of giving the public printing to the lowest responsible bidder, rather than to a favored individual."

This decision of the Attorney General being in accordance with my own opinion of the constitutional authority of each branch of the General Assembly, the accounts of Mr. Medary, for printing and paper, were carefully examined, as prescribed in the act to provide for State printing, and the amount found to be due to him was paid out of the appropriation "for State printing."

Mr. Scott presented a claim for \$1,000, and Mr. Phillips for \$125, damages, arising from the violation of their contracts, by the action of the Senate, in giving the printing of that body to Mr. Medary. These claims were not paid, and will be submitted by the claimants for your consideration.

The only remnant of the retrenchment law of 27th January, 1844, remaining virtually in force, are the sections which prescribe the salaries of county auditors and treasurers. Justice requires that these should be repealed. If the rate of fees and the per cent. allowed by the former law were too high, let them be reduced. But do not require the auditors and treasurers of counties, in which the duplicates amount to fifty thousand dollars, to perform the labors of the auditor's office, and to make the collection of such large amounts for the same salaries that are paid to the officers of counties in which the taxes do not amount to twenty thousand dollars. The compensation should be in proportion to the services performed.

**II. ESTIMATES FOR 1848.****RECEIPTS.**

Proceeds of tax levied, being $2\frac{1}{2}$ mills on the grand list of \$410,763,160, including arrearages and forfeitures-----	\$1,085, 00 00
Tax on lawyers and physicians-----	\$7,000
Tax paid for pedlers' licenses-----	6,000
Auction duties and tax on foreign Insurance Companies -----	4,000
	<hr/> 17,000 00
State tax on Joint Stock Companies, being $6\frac{1}{2}$ mills on the dollar-----	5,000 00
Tax on Banks and Insurance Companies-----	50,000 00
Surplus Revenue interest, 5 per cent. payable by counties -----	75,000 00
Tolls upon State canals-----	650,000 00
Dividends upon Turnpike and Canal stocks held by the State-----	30,000 00
Sales of Canal Lands-----	50,000 00
	<hr/>
Amount of estimated receipts -----	\$1,962,000 00

**EXPENDITURES.**

Support of State Government and State Institutions--Appropriations for State House, Deaf and Dumb Asylum, claims, &c.-----	\$235,000 00
State Common School fund -----	200,000 00
Interest on School and Trust funds, sections 16 and 29, &c.-----	91,500 00
Interest on Domestic Bonds -----	45,000 00
Interest on debt payable in New York	1,027,356 95
Exchange and expenses -----	10,000 00
Repairs on Canals and Public Works-	310,000 00
	<hr/>
Total amount of estimated expenditures----	1,918,856 95
	<hr/>
Balance, being estimated amount of surplus or sinking fund for 1848-----	\$43,143 05
	<hr/>

This estimate includes only the receipts and expenditures of the ordinary annual revenues of the State. The payments made into the Treasury of the principal of surplus revenue, and for sections 16 and 29, and other trust funds, are not included. Whatever sums are received from these sources, with the balances of these funds now in the Treasury, will be applied to the payment of an equal amount of

the State debt, or to the purchase of such State bonds as can be obtained upon reasonable terms.

Measures will be taken, at an early day, to ascertain the amount which will become due prior to 1850, for school and ministerial lands, as these funds will form an important item for the redemption of the debt payable in that year.

If provision is made for increasing the sinking fund to a sum not less than two hundred thousand dollars per annum, which it is believed the interest of the State demands, the State tax will be, for 1848, three and one-fourth mills on the dollar, which would yield a clear surplus of two hundred thousand dollars, and leave a sufficient margin for contingencies.

### III. A DETAILED STATEMENT of the Receipts and Expenditures of the several Funds, and the balance of each Fund in the Treasury.

#### GENERAL REVENUE.

Statement of the receipts and disbursements of the General Revenue during the year ending 15th November, 1847:

##### RECEIPTS.

Taxes collected and paid into the State Treasury by county treasurers, being proceeds of 8 mills on the dollar of the grand list of 1846-----	\$1,104,148 69 9
Taxes paid through Auditor's office -----	32,169 97 0
Delinquencies of 1845, collected by county treasurers, and paid into the State Treasury-----	33,378 77 5
Forfeitures collected by county treasurers -----	3,103 28 7
State tax of 17 mills on the dollar on joint stock and stage companies -----	8,610 32 0
Tax on lawyers and physicians -----	5,215 79 3
Received for pedlers' licenses -----	5,810 55 8
Auction duties received-----	3,252 86 3
Tax upon brokers, paid-----	3,129 91 6
Foreign insurance companies-----	867 60 4
Expenses paid by independent banks -----	1,482 64 0
Stationery sold, and incidental items -----	881 38 0
Received for escheated property in Hamilton co.-	471 67 0

Total amount paid into the State Treasury during the year ending 15th November, 1847, and charged to General Revenue account----- \$1,202,528 47 5

Amount charged to General Revenue ----- \$1,202,528 47 5

Amount transferred from General Revenue to  
the proper accounts, viz:—

To Canal Fund in Department of Public Works,  
being proportion of taxes collected, 6 mills on the  
dollar of the duplicate of 1846 ----- \$890,422 95 8

To Common School Fund, being  
proportion of taxes collected  $\frac{1}{4}$   
mill on the dollar ----- \$74,201 82 9

To tax on lawyers, and physicians,  
pedlers' licenses, auction duties,  
and tax on foreign insurance com-  
panies ----- 15,146 81 8

89,348 64 7

Amount transferred ----- \$979,771 60 5

Balance belonging to the General Revenue for pay-  
ment of appropriations, support of government,  
State Institutions, claims, &c. ----- \$222,756 87 0

Balance of General Revenue in the Treasury on  
the 15th November, 1847 ----- 57,229 01 0

\$279,985 88 0

Bills drawn for the payment of appro-  
priations, and redeemed at the  
Treasury ----- \$209,813 33

Special deposit in Lancaster Bank,  
charged to the Treasurer, from  
which the bank was released by  
judgment of Supreme Court, cred-  
ited to Treasurer ----- 2,066 00

Amount of payments credited to Treasurer ----- 211,879 33 0

Balance of General Revenue in the Treasury, No-  
vember 15, 1847 ----- \$68,106 55 0

The balance of General Revenue now in the Treasury is more than ten thousand dollars greater than the balance on the 15th November, 1846. It will not be necessary to increase the rate of tax for general revenue purposes, unless the appropriations should be much greater than usual.

The balance of General Revenue includes a small amount of counterfeit notes and other items transferred, in 1835, to the late Treasurer, which should be canceled, and entered to the credit of the Treasurer. It also includes a certificate for \$21,620 24, given by the Urbana Bank for its paper received by the Treasurer.

## COMMON SCHOOL FUND.

Balance in the treasury, Nov. 15, 1846-----	\$32,291 23 6
Surplus Revenue, interest at 5 per cent.-----	86,009 60 7
General Revenue, tax on lawyers, physicians, &c.,	89,348 64 7
Tax on Banks -----	40,559 20 0
Tax on Insurance and Bridge companies -----	1,189 32 0
	<hr/>
	\$249,398 01 0

Amount paid to counties during the	
year -----	\$200,654 54
Amount of drafts on Manhattan and	
Lancaster Banks, returned unpaid--	552 06
Amount of overdrafts on Whitewater	
Bridge Company -----	112 71
	<hr/>
	201,319 31 0
	<hr/>
Balance remaining in the treasury, Nov. 15, 1847,	\$48,078 70 0

The annual appropriation to the Common School Fund remains at \$200,000, although the population and necessities of the State have greatly increased since that sum was established as the amount of the annual State fund. If the county commissioners have authority to increase the Fund according to the necessities or wishes of the people of the county, they would be governed by public opinion and the interests of the county.

The fourth section of the act to amend an act to tax Bank, Insurance, and Bridge companies, which requires the taxes upon the Banks and companies specified in that act to be credited to the Interest Fund, should be repealed. The taxes received from all the Banks were pledged to the School Fund, and it is more convenient to credit the taxes received from all the Banks to the same Fund.

## SCHOOL AND TRUST FUNDS.

Statement of the several school and trust funds of the State, showing the amount of irreducible stock belonging to the several districts; the amount paid into the treasury; the amount paid to the several districts; and the amount of Common School Funds received and paid out during the year ending the 15th November, 1847.

*Virginia Military School Fund.*

Amount of said fund loaned to the Fund Commission-	
ers, prior to the 15th November, 1846-----	\$135,033 95 7
Amount paid in by the register during the year----	484 07 0
	<hr/>
Total amount loaned to the State -----	\$135,468 02 7

Amount of interest accruing on said fund up to January 1, 1847 -----	\$8,102 03 5
Balance of interest in the treasury, Nov. 15, 1846--	3,605 28 3
Amount of rents paid by the register during the year,	3,700 28 0
	<hr/>
	\$15,407 59 8
Amount paid out during the year-----	11,707 30 5
	<hr/>
Balance remaining in the treasury, Nov. 15, 1847--	<u>\$3,700 29 3</u>

*United States Military School Fund.*

Amount of said fund loaned to the Fund Commissioners prior to the 15th November, 1846 -----	\$119,462 78 2
Amount paid in during the year ending Nov. 15, 1847,	4 73 4
	<hr/>
Total amount loaned to the State -----	<u>\$119,467 51 6</u>
	<hr/>
Amount of interest accruing on said fund up to January 1, 1847 -----	\$7,181 76 0
Amount paid out during the year-----	<u>7,181 76 0</u>

*Connecticut Western Reserve School Fund.*

Amount of said fund loaned to the Fund Commissioners prior to the 15th November, 1846 -----	\$158,859 00 8
	<hr/>
Amount of interest accruing on said fund up to January 1, 1847 -----	\$9,519 54 0
Amount paid out during the year ending November 15, 1847-----	<u>9,519 54 0</u>

*School Section No. 16.*

Amount of said fund loaned to the Fund Commissioners prior to the 15th November, 1846 -----	\$999,963 24 4
Amount paid by county treasurers during the year--	32,486 55 2
	<hr/>
Total amount loaned to the State-----	<u>\$1,032,459 79 6</u>
	<hr/>
Amount of interest accruing on said fund up to January 1, 1847 -----	\$50,729 91 9
Amount paid out during the year ending November 15, 1847 -----	<u>59,729 91 9</u>

*Moravian School Fund.*

Amount of said fund loaned to the Fund Commissioners prior to the 15th November, 1846 -----	\$1,458 13 2
Amount paid in during the year -----	447 30 2
Total amount loaned to the State -----	<u>\$1,905 43 4</u>
Amount of interest accruing on said fund up to January 1, 1847 -----	\$85 28 8
Amount paid out during the year ending November 15, 1847 -----	<u>85 28 8</u>

*Ministerial Section No. 29.*

Amount of said fund loaned to the Fund Commissioners prior to the 15th November, 1846 -----	\$26,901 86 1
Amount paid by county treasurers during the year, -----	3,306 44 0
Total amount loaned to the State -----	<u>\$30,208 30 1</u>
Amount of interest accruing on said fund up to January 1, 1847 -----	\$1,580 79 4
Amount paid out during the year ending November 15, 1847 -----	<u>1,548 57 4</u>
Balance, being draft in favor of Morgan county unpaid -----	<u>\$32 22 0</u>

*Ohio University Fund.*

Amount of said fund loaned to the Fund Commissioners prior to the 15th November, 1846 -----	\$1,897 39 0
Amount of interest accruing on said fund up to July 1, 1847 -----	\$56 92 0
Balance in the treasury, Nov. 15, 1846 -----	56 92 0
	<u>\$118 84 0</u>
Amount paid out during the year -----	<u>113 84 0</u>

## RECAPITULATION.

Virginia Military School Fund -----	\$135,468 02 7
United States Military School Fund -----	119,467 51 6
Connecticut Western Reserve School Fund -----	158,659 00 8
Common School Fund, (salt lands sold) -----	39,306 31 2
School Section No. 16 -----	<u>1,032,459 79 6</u>

Moravian School Fund -----	1,905 43 4
Ministerial Section No. 29 -----	30,208 30 1
Ohio University Fund -----	1,897 39 0

Total amount of irreducible School and Trust Funds loaned to Fund Commissioners, and constituting part of the State debt-----	<u>\$1,519,371 78 4</u>
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School and Trust Funds distributed during the year to the several districts, being interest on the irreducible Funds.

Virginia Military School Fund — interest -----	\$8,007 02 5
United States Military School Fund “ -----	7,181 76 0
Conn. Western Reserve School Fund “ -----	9,519 54 0
School Section No. 16 Fund “ -----	59,729 91 9
Moravian School Fund “ -----	85 28 8

	<u>\$84,523 53 2</u>
Ministerial Section No. 29 Fund -----	1,580 79 4
Ohio University Fund -----	113 84 0
Rents on Virginia military school lands-----	3,700 28 0
Amount of Common School Fund paid to the several counties of the State -----	<u>200,654 54 0</u>

Total amount distributed and paid to the several dis- tricts and counties in the State during the year ending November 15, 1847-----	<u>\$290,572 98 6</u>
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#### SURPLUS REVENUE ACCOUNT.

Amount of Surplus Revenue received by the State of Ohio from the Treasurer of the United States, being the first three installments under the act of Congress of June 23, 1836-----	<u>\$2,007,260 34</u>
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Amount paid to the fund commissioners of the several counties, and remaining in their hands on the 15th November, 1847 -----	1,537,627 74
Amount loaned to the Canal Fund Commissioners---	29,400 79
Principal of Surplus Revenue paid into the State Treasury under the act of 13th March, 1843, prior to Novem- ber 15, 1846-----	\$272,990 62 3
Principal paid in during the year end- ing 15th November, 1847-----	167,241 19 7

440,231 81

\$2,007,260 34



Amount paid into the Treasury as above stated for redemption of Turnpike Bonds-----	\$440,231 81
Turnpike Bonds redeemed prior to 15th November, 1846 -----	\$214,430 57
Turnpike Bonds redeemed during the year ending 15th November, 1847----	104,192 92
	<u>318,623 49</u>

Balance of Surplus Revenue remaining in the treasury for redemption of Turnpike Bonds, and transferred to books of Department of Public Works---	<u>\$121,608 32</u>
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*Five per cent. Interest Fund.*

Amount of 5 per cent. interest received from the counties, upon Surplus Revenue, during the year ending November 15, 1847--	\$86,169 60 7
Transferred to Common School Fund -----	<u>86,009 60 7</u>
Balance in the Treasury, being amount paid in by the county of Crawford for the year 1848-----	<u>\$160 00 0</u>

*Surplus Revenue Interest Fund.*

Balance in the treasury, November 15, 1846 -----	\$7 05 8
Received from Fund Commissioners for payment of interest to counties upon sums borrowed by them, and principal repaid under the act of 13th March, 1843—5 per cent. and 1 per cent. -----	\$5,289 12 1
Received from county treasurers one per cent. upon amount retained by counties over their proportion upon reapportionment of the fund in 1840-----	209 46 0
	<u>\$5,505 63 9</u>
Paid county treasurers one per cent. upon principal repaid, and six per cent. upon principal loaned to Fund Commissioners of State-----	5,675 64 9
Amount of overdraft -----	<u>\$170 01 0</u>
No appropriation was made for payment of interest due Summit county-----	\$436 34 0
Add to this, overdraft, as above -----	170 01 0
	<u>\$606 35 0</u>
Deduct 5 per cent. paid by Crawford Co., as above -	160 00 0
Overdraft, according to Treasurer's books-----	<u>\$446 35 0</u>

The act regulating the distribution and investment of the Surplus Revenue, provided that "no loans shall be made of said fund so as to fall due after the first day of January, 1850—at which time the Fund Commissioners shall have the principal of said fund, to be held subject to the order of the State Treasurer, for the payment of the State canal debt, should the Legislature deem it best to make use of that fund for that purpose." The act to provide for the payment of the domestic creditors of the State of Ohio, passed 13th March, 1843, expressly set apart and specifically pledged and appropriated for the redemption of the bonds which should be issued under that act, the amount of Surplus Revenue received from the United States. The counties have repaid the sum of \$440,231 81 of the principal; out of which, turnpike bonds to the amount of \$318,623 49 have been redeemed, leaving a balance of \$121,608 32 now in the Treasury. The small balance of outstanding turnpike bonds will, no doubt, soon be presented for payment, as the interest ceased on the 1st November, 1847.

The Fund Commissioners were, by the provisions of the act of 13th March, 1843, required to pay over to the Common School Fund five per cent upon all payments of the principal of Surplus Revenue made prior to the year 1850, but the act to increase the revenue of the State Common School Fund, and make permanent the transfers thereto, passed 6th March, 1844, provided that, should the permanent revenues of the School Fund exceed the sum of two hundred thousand dollars, the excess should be considered and used as State revenue. It has not been necessary, since 1844, to make any payment of interest to the Common School Fund, which has been annually increasing, until the balance of that fund now in the Treasury is more than forty thousand dollars. It is believed that the additional sums which will be received from the Banks, and other sources, will render it unnecessary to make any payment of interest to that fund, upon the Surplus Revenue repaid by counties.

It may be regarded as certain, that the United States will never require the repayment of the Surplus Revenue deposited with the State. This sum has, therefore, been considered by the Legislature as a fund for the payment of a portion of the State debt. It now stands specifically pledged and appropriated for the redemption of the million and a half of seven per cent. stock becoming due in 1861; the balance loaned to the several counties, with the sum now in the Treasury, will be sufficient to pay the whole amount of the seven per cent. stock; and I am gratified to inform you that the county auditors and treasurers are generally adopting efficient measures for the collection of the money loaned by the counties to individuals—and the proper officers of counties in which any part of the fund has been used for county purposes, are preparing to repay the money. It is believed that the payments on account of the principal of Surplus Revenue will be larger this year than they have been heretofore. No farther legal provisions are deemed necessary on this subject.

## NATIONAL ROAD FUNDS.

Balance of tolls and National Road bonds in the Treasury, November 15, 1846-----	\$10,888 06
National Road bonds issued under the act of 8th February, 1847, for the relief of creditors on the National Road-----	29,605 26
Amount of tolls received during the year ending 15th November, 1847 -----	42,614 50
	<hr/>
	\$83,107 91
Paid out for repairs during the year ending November 15, 1847 -----	\$34,407 42
Bonds paid to creditors during the year ending November 15, 1847 -----	29,388 22
Bonds remaining in the Treasury on the 15th November, 1847 -----	959 14
Paid for interest on National Road bonds issued under the provisions of the acts for the payment of the creditors of the National Road-----	8,189 32
	<hr/>
	67,944 10
Balance of tolls in the Treasury on the 15th Nov., 1847, -----	<u><u>\$15,163 81</u></u>

The above is \$2,220 61 less than the balance of National Road tolls on the books of the Treasury; that amount being paid out of appropriation for interest on domestic bonds; which sum stands to the debit of the Treasurer, in the department of Public Works.

## THREE PER CENT. FUND.

Balance in the Treasury, 15th November, 1846-----	\$195 63
Proceeds of draft of Auditor of State upon the Treasurer of the United States for \$65,749 09, obtained by the agent of the State, upon contract made by the Governor, under a resolution of the General Assembly, by which he was to receive 20 per cent. of the sum recovered -----	52,599 28
	<hr/>
	\$52,794 91
Paid to Delaware county, under provisions of the act of March 12, 1838-----	130 00
	<hr/>
Balance in the Treasury subject to distribution in accordance with the act of 11th February, 1832 -----	<u><u>\$52,664 91</u></u>

## COMMERCIAL HOSPITAL AND LUNATIC ASYLUM.

Amount paid into the State Treasury by Cuyahoga, Darke, and Highland counties -----	\$439 28
Paid treasurer of Hamilton county for the use of said Institution-----	207 28
	<hr/>
Balance in the treasury, 15th Nov., 1847 -----	\$232 00
	<hr/>

**IV. STATEMENT of the several appropriations, the  
amount expended, and the balance of each approp-  
riation unexpended on 15th Nov., 1847.**

## APPROPRIATIONS AND EXPENDITURES.

*Ohio Legislature.*

Balance Nov. 15, 1846, of former appropriations -----	\$3,976 66
Appropriation for 1847 -----	25,000 00
	<hr/>
	\$28,976 66
Paid out during the year ending Nov. 15, 1847 -----	26,632 64
	<hr/>
Balance unexpended -----	\$2,344 02
	<hr/>

*State Officers.*

Balance Nov. 15, 1846 -----	\$1,365 91
Appropriation for 1847 -----	17,000 00
	<hr/>
	\$18,365 91
Paid out during the year ending Nov. 15, 1847 -----	17,326 91
	<hr/>
Balance unexpended -----	\$1,039 00
	<hr/>

*Judicial Officers.*

Balance Nov. 15, 1846 -----	\$2,491 07
Appropriation for 1847 -----	25,800 00
	<hr/>
	\$27,791 07
Paid out during the year ending Nov. 15, 1847 -----	24,692 50
	<hr/>
Balance unexpended -----	\$3,098 57
	<hr/>

*State Printing.*

Balance Nov. 15, 1846 -----	\$4,371 90
Appropriation for 1847 -----	10,000 00
	<hr/>
	\$14,371 90
Paid out during the year ending Nov. 15, 1847 -----	11,964 50
	<hr/>
Balance unexpended -----	<u>\$2,407 40</u>

*Adjutant General.*

Appropriation for 1847 -----	\$500 00
Paid out during the year ending Nov. 15, 1847 -----	480 45
	<hr/>
Balance unexpended -----	<u>\$19 55</u>

*Quartermaster General.*

Appropriation for 1847 -----	\$500 00
Paid out during the year ending Nov. 15, 1847 -----	328 60
	<hr/>
Balance unexpended -----	<u>\$171 40</u>

*Governor's Contingent Fund.*

Balance Nov. 15, 1846 -----	\$1,434 12
Appropriation for 1847 -----	3,700 00
	<hr/>
	\$5,134 12
Paid out during the year ending Nov. 15, 1847 -----	1,709 21
	<hr/>
Balance unexpended -----	<u>\$3,424 91</u>

*Auditor's Contingent Fund.*

Balance Nov. 15, 1846 -----	\$834 85
Appropriation for 1847 -----	2,500 00
	<hr/>
	\$3,334 85
Paid out during the year ending Nov. 15, 1847 -----	1,687 01
	<hr/>
Balance unexpended -----	<u>\$1,647 84</u>

*Treasurer's Contingent Fund.*

Balance Nov. 15, 1846-----	\$406 57
Appropriation for 1847-----	600 00
	<hr/>
	\$1,006 57
Paid out during the year ending Nov. 15, 1847-----	615 21
	<hr/>
Balance unexpended-----	<u>\$391 36</u>

*Secretary's Contingent Fund.*

Balance Nov. 15, 1846-----	\$628 81
Appropriation for 1847-----	400 00
	<hr/>
	\$1,028 81
Paid out during the year ending Nov. 15, 1847-----	799 78
	<hr/>
Balance unexpended-----	<u>\$229 03</u>

*Stationery for State.*

Balance Nov. 15, 1846-----	\$6,416 07
Appropriation for 1847-----	2,000 00
	<hr/>
	\$8,416 07
Paid out during the year ending Nov. 15, 1847-----	8,013 03
	<hr/>
Balance unexpended-----	<u>\$403 04</u>

*Taxes Refunded.*

Appropriation for 1847-----	\$3,500 00
Amount overdrawn during the year ending November 15, 1846-----	\$647 48
Paid out during the year ending Novem- ber 15, 1847-----	2,549 61
	<hr/>
	3,197 09
	<hr/>
Balance unexpended-----	<u>\$302 91</u>

*Treasurer's Mileage.*

Balance Nov. 15, 1846-----	\$232 24
Appropriation for 1847-----	1,500 00
	<hr/>
	\$1,732 24
Paid out during the year ending Nov. 15, 1847-----	1,357 74
	<hr/>
Balance unexpended -----	\$374 50
	<hr/>

*Deaf and Dumb Asylum.*

Balance Nov. 15, 1846 -----	\$2,602 35
Appropriation for 1847 -----	10,500 00
	<hr/>
	\$13,102 35
Paid out during the year ending Nov. 15, 1847-----	13,102 35
	<hr/>

*Lunatic Asylum.*

Balance Nov. 15, 1846-----	\$3,940 00
Appropriation for 1847-----	32,200 00
	<hr/>
	\$36,140 00
Paid out during the year ending Nov. 15, 1847-----	35,220 00
	<hr/>
Balance unexpended -----	\$920 00
	<hr/>

*Institution for the Blind.*

Appropriation for 1847 -----	\$8,000 00
Paid out during the year ending Nov. 15, 1847 -----	8,000 00
	<hr/>

*Postage of Ohio Legislature.*

Balance Nov. 15, 1846-----	\$592 76
Appropriation for 1847-----	3,500 00
	<hr/>
	\$4,092 76
Paid out during the year ending Nov. 15, 1847-----	3,613 67
	<hr/>
Balance unexpended -----	\$479 09
	<hr/>

*Wolf Scalps.*

Balance Nov. 15, 1846 -----	\$826 50
Appropriation for 1847 -----	200 00
	<hr/>
	\$1,026 50
Paid out during the year ending Nov. 15, 1847 -----	479 25
	<hr/>
Balance unexpended -----	<u>\$547 25</u>

*Courts Martial..*

Balance Nov. 15, 1846 -----	\$480 32
Paid out during the year ending Nov. 15, 1847 -----	272 05
	<hr/>
Balance unexpended -----	<u>\$208 27</u>

*Public Arms.*

Balance Nov. 15, 1846 -----	\$36 77
Appropriation for 1847 -----	1,000 00
	<hr/>
	\$1,036 77
Paid out during the year ending Nov. 15, 1847 -----	665 81
	<hr/>
Balance unexpended -----	<u>\$370 96</u>

*Laws and Journals.*

Balance Nov. 15, 1846 -----	\$436 03
Appropriation for 1847 -----	1,000 00
	<hr/>
	\$1,436 03
Paid out during the year ending Nov. 15, 1847 -----	813 17
	<hr/>
Balance unexpended -----	<u>\$622 86</u>

*Ohio State Library.*

Balance Nov. 15, 1846 -----	\$234 98
Appropriation for 1847 -----	600 00
	<hr/>
	\$834 98
Paid out during the year ending Nov. 15, 1847 -----	406 94
	<hr/>
Balance unexpended -----	<u>\$428 04</u>



*Claims.*

Balance Nov. 15, 1846-----	\$4,258 09
Appropriation for 1847 -----	5,000 00
	<hr/>
	\$9,258 09
Paid out during the year ending Nov. 15, 1847-----	3,857 80
	<hr/>
Balance unexpended -----	<u>\$5,400 29</u>

*Prosecutions for the State.*

Paid out during the year ending Nov. 15, 1847-----	\$639 06
Balance of appropriation unexpended Nov. 15, 1846--	482 94
	<hr/>
Appropriation overdrawn -----	<u>\$156 12</u>

*Special Commissioners on Board of Public Works.*

Balance Nov. 15, 1846 -----	\$940 99
Appropriation for 1847 -----	800 00
	<hr/>
	\$1,740 99
Paid out during the year ending Nov. 15, 1847 -----	1,740 99
	<hr/>

*Special Commissioners on Auditor's and Treasurer's Books.*

Appropriation for 1847 -----	\$2,500 00
Paid out during the year ending Nov. 15, 1847-----	1,082 50
	<hr/>
Balance unexpended -----	<u>\$1,417 50</u>

*Ohio Banks.*

Paid out during the year ending Nov. 15, 1847-----	\$1,482 64
Amount of expenses repaid by Banks -----	1,482 64
	<hr/>

*Ohio Penitentiary.*

Appropriation for costs and transportation of convicts for 1847 -----	\$17,000 00
Balance overdrawn 15th Nov. 1846-----	\$414 91
Paid out during the year ending Novem- ber 15, 1847 -----	10,006 51
	<hr/>
	10,421 42
Balance unexpended -----	<u>\$6,578 58</u>

*County Taxes.*

Balance Nov. 15, 1846 -----	\$9,888 77
Received during the year ending Nov. 15, 1847 -----	20,233 36
	<hr/>
	\$30,122 13
Paid out during the year ending Nov. 15, 1847 -----	\$18,362 98
	<hr/>
In Treasury belonging to counties -----	\$11,759 14
	<hr/>

*Encouragement of Agriculture.*

Appropriation for 1847 -----	\$200 00
Paid out during the year ending Nov. 15, 1847 -----	63 20
	<hr/>
Balance unexpended -----	\$136 80
	<hr/>

*Expenses of Volunteers.*

Appropriation for 1847 -----	\$5,000 00
Paid out during the year ending Nov. 15, 1847 -----	255 00
	<hr/>
Balance unexpended -----	\$4,745 00
	<hr/>

*For Land for Hydraulic Purposes.*

Appropriation for 1847 -----	\$5,000 00
Paid out during the year ending Nov. 15, 1847 -----	100 00
	<hr/>
Balance unexpended -----	\$4,900 00
	<hr/>

*Board of Equalization.*

Expenses of Board, &c. -----	\$2,629 68
	<hr/>

*Weights and Measures.*

Paid out during the year ending Nov. 15, 1847, according to section 2 of the act of Feb. 21, 1846 -----	\$8,223 75
	<hr/>

*Special Commissioners.*

Appropriation for expenses of commissioners to bring remains of Gen T. L. Hamer to Ohio -----	\$500 00
Paid commissioners -----	400 00
	<hr/>
Balance unexpended -----	\$100 00
	<hr/>

*Expense Account of Attorney General.*

Appropriation for 1847 -----	\$200 00
Paid out during the year ending Nov. 15, 1847 -----	72 00
	<hr/>
Balance unexpended -----	\$128 00
	<hr/>

*Special Elections.*

Balance overdrawn Nov. 15, 1844 -----	\$108 20
Paid out during the year 1847 -----	23 78
	<hr/>
Amount overdrawn Nov. 15, 1847 -----	\$131 98
	<hr/>

*Appropriation for Wood.*

Balance Nov. 15, 1846 -----	\$664 58
Appropriation for 1847 -----	400 00
	<hr/>
	\$1,064 58
Paid out during the year ending Nov. 15, 1847 -----	580 19
	<hr/>
Balance unexpended -----	\$484 48
	<hr/>

*STATEMENT of the several appropriations made for the year  
1847, specifying the object of each appropriation, viz :*

Ohio Legislature -----	\$25,000 00
State officers -----	17,000 00
Judicial officers -----	25,300 00
State printing -----	10,000 00
Adjutant General -----	500 00
Quartermaster General -----	500 00
Governor's Contingent Fund -----	3,700 00
Auditor's Contingent Fund -----	2,500 00

Treasurer's Contingent Fund-----	\$600 00
Secretary's Contingent Fund-----	400 00
Stationery for the State-----	2,000 00
Taxes refunded-----	3,500 00
Treasurer's mileage-----	1,500 00
Deaf and Dumb Asylum-----	10,500 00
Lunatic Asylum-----	32,200 00
Institution for the Blind-----	8,000 00
Postage of Ohio Legislature-----	3,500 00
Wolf scalps-----	200 00
Public arms-----	1,000 00
Ohio State Library-----	600 00
Claims — being special appropriations-----	5,300 00
Special Commissioners on Board Public Works-----	800 00
Special Commissioners on Auditor and Treasurer-----	2,500 00
Ohio Penitentiary, for transportation of convicts-----	17,000 00
Encouragement of agriculture-----	200 00
Ohio volunteers, to pay claims-----	5,000 00
Purchase of lands for hydraulic purposes-----	5,000 00
Commissioners to bring the remains of Gen. T. L. Hamer to Ohio-----	500 00
Expenses of Attorney General-----	200 00
Appropriation for Wood-----	400 00
Appropriation for Weights and Measures, per 19th section of act of 21st February, 1846, "to provide a uniform standard of weights and measures-----	8,223 75
Appropriation for expenses of banks, per 33d section of the act to incorporate the State Bank of Ohio and other banking companies-----	1,482 64
Total amount of appropriations for 1847-----	<u>\$194,106 39</u>

*Disbursements of the several Appropriations.*

Bills drawn upon the Treasury for the payment of appropriations made by law for the purposes specified :

For Ohio Legislature-----	\$26,632 64
State officers-----	17,326 91
Judicial officers-----	24,692 50
State printing-----	11,964 50
Adjutant General-----	480 45
Quartermaster General-----	328 60
Governor's Contingent Fund-----	1,709 21
Auditor's " "-----	1,687 01
Secretary's " "-----	799 78
Treasurer's " "-----	615 21
Stationery for State-----	8,013 03

Taxes refunded -----	\$2,549 61
Treasurer's mileage -----	1,357 74
Deaf and Dumb Asylum -----	13,102 35
Lunatic Asylum -----	35,220 00
Asylum for the Blind -----	8,000 00
Postage of the Ohio Legislature -----	3,613 67
Wolf scalps -----	479 25
Courts martial -----	272 05
Public arms -----	665 81
Laws and Journals -----	813 17
Ohio State Library -----	406 94
Claims, being special appropriations -----	3,857 80
State prosecutions -----	639 06
Special Commissioners on Board of Public Works, Special Commissioners on Treasurer's and Audit- or's books -----	1,740 99
Ohio Banks -----	1,082 50
Ohio Penitentiary -----	1,482 64
Counties, repayment of taxes paid into State Treas- ury -----	10-006 51
Agriculture, special appropriation -----	18,362 98
Volunteers, expenses of -----	63 20
Hydraulics, special appropriation -----	255 00
Weights and Measures -----	100 00
Board of Equalization -----	8,223 75
Commissioners on Gen. T. L. Hamer -----	2,629 68
Expenses of Attorney General -----	400 00
Special elections -----	72 00
Wood -----	23 78
	580 10

Total amount of bills drawn upon the Treasury during  
the year ending 15th November, 1847 ----- \$210,250 42

Amount of bills issued prior to the 15th November,  
1846, which were then outstanding ----- 2,770 49

\$213,020 91

Amount of bills redeemed during the year ending 15th  
November, 1847 ----- 209,813 33

Balance, being bills unredeemed 15th November, 1847, \$3,207 58

The amount of bills drawn upon the Treasury was increased by  
the large amount of taxes paid through this office, including the pro-  
portion belonging to the counties, which was repaid to them by bills  
upon the Treasury.

# V. DEPARTMENT OF PUBLIC WORKS.

*STATEMENT of moneys paid into the State Treasury, and of disbursements through this department, during the year ending 15th November, 1847.*

General statement of the receipts and disbursements in the Department of Public Works.

## RECEIPTS.

Canal tax for the year 1846 ---	\$800,422 95 8
Tolls, water rents, and fines collected upon the canals-----	790,793 75 0
Turnpike dividends-----	32,648 10 0
Ohio and, Pennsylvania Canal dividend-----	4,200 00 0
School and Trust Funds-----	37,424 14 8
Proceeds of loans-----	35,517 98 0
Unexpended balance of appropriation to turnpike companies,	23,660 78 0
Surplus Revenue-----	167,241 19 2
Canal lands-----	53,041 56 0
National Road stock issued----	29,605 26 0
Turnpike stock issued-----	32,052 55 0
Western Reserve and Maumee Road-----	7,340 89 0
Sale of Ohio Railroad-----	400 00 0
Bank of Canton-----	300 00 0
Duer and Birch—note paid---	49 17 0
Ohio University-----	500 84 0
Total receipts-----	\$2,105,199 17 8
Balance in the Treasury, 15th November, 1846-----	143,986 86 0
	<hr/> \$2,249,186 03 8

## DISBURSEMENTS.

Interest on public debt-----	\$1,289,499 54 2
Interest on domestic debt-----	47,835 27 0
Surplus Revenue loaned to Fund Commissioners-----	65,595 20 0
Redemption of domestic bonds-----	119,583 73 0
National Road bonds paid to creditors-----	29,388 22 0
Turnpike bonds paid to turnpike companies-----	32,052 55 0
Paid to Sinking Fund-----	23,660 78 0

Contracts and repairs on the several canals -----	315,178 44 0	
Western Reserve and Maumee Road -----	14,253 42 0	
Expenses of Board of Public Works -----	2,389 69 0	
Expenses of Fund Commissioners -----	1,735 58 0	
Butler county—repaid Sec. 16, -----	735 05 0	
Expenses of copies, &c., from land offices -----	75 00 0	
Repaid land erroneously sold --	174 00 0	
Total disbursements -----		1,942,456 47 2
Balance in the Treasury, 15th Nov., 1847 --		<u>\$306,729 56 6</u>

## CANAL FUND.

## RECEIPTS.

Tolls, water rents, and fines collected and paid into the State Treasury, from the several canals and public works belonging to the State, during the year ending 15th November, 1847, viz :

Ohio Canal -----	\$444,820 02	
Miami Canal -----	116,585 59	
Miami Extension Canal -----	99,072 86	
Wabash and Erie Canal -----	69,811 95	
Muskingum Improvement -----	51,088 59	
Hocking Canal -----	7,185 98	
Walhonding Canal -----	2,228 76	
		\$790,793 75 0
Amount of tax assessed for canal purposes, collected upon the grand list of 1846, and paid into the State Treasury during the year ending 15th November, 1847 -----		890,422 95 8

Dividends of tolls received during the year ending 15th November, 1847, on stock owned by the State in the following turnpike companies, viz :

Batavia Turnpike and Miami Bridge Company -----	\$274 66
Cincinnati and Harrison Turnpike Company -----	2,581 50
Cincinnati, Columbus, and Wooster Turnpike Company -----	6,822 00
Cincinnati, Lebanon and Springfield Turnpike Company -----	3,573 00

Colerain, Oxford, and Brookville Turnpike Company-----	3,431 02	
Dayton and Springfield Turnpike Company-----	2,218 00	
Dayton, Centerville, and Lebanon Turnpike Company-----	989 00	
Dayton Western Turnpike Company--	847 91	
Great Miami Turnpike Company----	1,610 86	
Hamilton, Springfield, and Carthage Turnpike Company-----	961 58	
Hamilton, Rossville, Summerville, Newcomb, and Eaton Turnpike Company,	7,488 75	
Hamilton, Rossville, Darrrtown, Oxford, and Fairhaven Turnpike Company--	1,665 49	
Ohio Turnpike Company-----	184 34	
		32,648 10 0
Dividend upon stock held by the State in the Ohio and Pennsylvania Canal-----		4,200 00 0
Amount received from school and ministerial lands, during the year ending 15th November, 1847, viz :		
School section No. 16-----	\$33,231 60 2	
Ministerial section No. 29-----	3,306 44 0	
Moravian school lands-----	447 30 2	
United States military school lands,	4 73 4	
Virginia military school lands-----	434 07 0	
		37,424 14 8
Received from the Fund Commissioners, being proceeds of loans made upon bonds issued prior to 15th November, 1846, under the provisions of the act "to provide for paying certain debts on the public works of the State," passed 2nd March, 1846-----		
		32,368 96 0
Received from Fund Commissioners an unexpended balance of appropriations for turnpike companies,		
		23,660 78 0
Proceeds of Ohio canal lands sold, viz :		
Ohio Canal lands-----	\$277 38	
Lands donated to the State-----	108 65	
		386 03 0
Received from Fund Commissioners, proceeds of a temporary loan made from Clinton Bank of Columbus in 1846-----		
		3,149 00 0
Received proceeds of sale of Ohio Railroad-----	400 00 0	
Collected from Bank of Canton-----	300 00 0	
Collected on note against Duer and Birch-----	49 17 0	
Total amount paid into Canal Fund during the year ending 15th November, 1847-----		<u>\$1,815,802 91 6</u>



## DISBURSEMENTS

## Amount appropriated by Fund Commissioners—

For payment of contracts and repairs, awards and incidental expenses on the canals and public works of the State -----	\$310,005 08 0
For payment of interest on State debt and temporary loans -----	1,289,499 54 2
For payment of Surplus Revenue loaned to Fund Commissioners by sundry counties -----	65,595 20 0
For payment of interest on domestic bonds -----	46,793 89 5
For payment of faith and credit bonds -----	8,061 13 0
For payment of canal, school and ministerial bonds, -----	2,472 68 0
For contingent expenses of Board of Public Works, -----	2,126 42 0
For expenses of Fund Commissioners -----	1,558 24 5
Appropriated to the Sinking Fund -----	25,000 00 0
Of section sixteen refunded to Butler county ----	735 05 0
<hr/>	
Total amount of payments from the Canal Fund during the year ending 15th November, 1847--	\$1,751,847 24 2
<hr/>	
Balance of Canal Fund remaining in the Treasury on the 15th November, 1847 -----	<u>\$63,955 67 4</u>

*Wabash and Erie Canal Lands.*

Balance remaining in the Treasury, Nov. 15, 1846 --	\$10,139 98
Received proceeds of lands sold during the year ending 15th November, 1847 -----	24,525 10
<hr/>	
	\$34,665 08
Expenses paid registers for copies and reports -----	\$75 00
Appropriated for payment of Wabash and Erie Canal land bonds -----	3,192 00
<hr/>	
	3,267 00
<hr/>	
Balance in the Treasury, 15th Nov., 1847 -----	<u>\$31,398 08</u>

*Miami Extension Canal Lands.*

Balance remaining in the Treasury, 15th Nov., 1846,	\$7,838 28
Received for lands sold during the year ending 15th November, 1847 -----	28,130 43
<hr/>	
	<u>\$35,968 71</u>

Refunded for land erroneously sold -----	\$174 00	
Appropriated for payment of Miami Extension Canal land bonds -----	1,965 00	
	<hr/>	2,139 00
Balance in the Treasury, 15th November, 1847-		<u>\$33,829 71</u>

*Surplus Revenue Fund.*

Balance in the Treasury, 15th November, 1846-----	\$58,560 04	
Paid into the Treasury during the year ending 15th November, 1847 -----	167,241 19	
	<hr/>	\$225,801 23
Turmpike bonds paid during the year-----	104,192 92	
Balance in the Treasury, 15th Nov., 1847 -----		<u>\$121,608 31</u>

*Western Reserve and Maumee Road.*

Balance of tolls and appropriation remaining in the Treasury on the 15th November, 1846 -----	\$10,573 77	
Tolls received during the year ending 15th Nov., 1847,	7,340 89	
	<hr/>	\$17,914 66
Paid for construction, repairs, and expenses of road during the year -----	14,253 42	
Balance of tolls in the Treasury, 15th Nov., 1847,		<u>\$3,661 24</u>

*Sinking Fund.*

Balance remaining in the Treasury, 15th Nov., 1847,	\$31,349 19	
Received from Ohio University -----	500 84	
Transferred from Canal Fund-----	25,000 00	
	<hr/>	\$56,850 03
Paid Fund Commissioners for purchase of State stocks,	23,660 78	
Balance in the Treasury, 15th Nov., 1847 -----		<u>\$33,189 25</u>

*Turnpike Companies.*

Ohio Turnpike warrants issued to the following turnpike companies, under the provisions of the act "for the relief of creditors of turnpike companies in which the State is a stockholder," upon which turnpike bonds were issued by the Fund Commissioners, viz :

Goshen, Wilmington, and Columbus Turnpike Co. --	\$19,242 61
Great Miami Turnpike Company -----	5,507 69
Ohio Turnpike Company -----	7,302 25
	<hr/>
	\$32,052 55
Turnpike warrants redeemed by Treasurer -----	<u>32,052 55</u>

*National Road Bonds.*

Balance of National Road bonds remaining in the Treasury on the 15th November, 1846 -----	\$742 10
Bonds issued under the act of February 8, 1847, for the relief of creditors on the National Road -----	29,605 28
	<hr/>
	\$30,347 36
Paid out to creditors on the order of the Auditor of State, during the year -----	29,388 22
	<hr/>
Balance in the Treasury on the 15th Nov., 1847,	<u>\$959 14</u>

## APPROPRIATIONS AND EXPENDITURES.

*Ohio Canal.*

Balance of former appropriation in the Treasury on the 15th November, 1846 -----	\$10,000 00
Appropriated for payment of contracts, repairs, damages, and expenses, during the year ending 15th November, 1847 -----	\$104,603 14
	<hr/>
	\$114,603 14
Paid commissioners' checks upon contracts for repairs, damages, and expenses during the year -----	\$113,543 14
	<hr/>
Balance of appropriation in the Treasury, unexpended on the 15th November, 1847 -----	<u>\$1,060 00</u>

*Miami and Miami Extension Canal.*

Balance of former appropriation in the Treasury on the 15th November, 1846-----	\$4,046 41
Appropriated for payment of contracts, repairs, damages, and expenses during the year ending 15th November, 1847-----	\$85,671 96
	<hr/>
	\$89,718 37
Paid commissioners' checks upon contracts for repairs, damages, and expenses during the year -----	89,133 87
	<hr/>
Balance of appropriation in the Treasury unexpended on the 15th November, 1847 -----	\$584 50
	<hr/>

*Wabash and Erie Canal.*

Balance of former appropriation in the Treasury on the 15th November, 1846-----	\$5,335 59
Appropriated for payment of contracts, for repairs, damages and expenses, during the year ending 15th November, 1847 -----	40,918 42
	<hr/>
	\$46,254 01
Paid commissioners' checks, upon contracts for repairs, damages and expenses, during the year -----	40,004 18
	<hr/>
Balance of appropriation in the Treasury, unexpended, on the 15th November, 1847 -----	\$6,249 83
	<hr/>

*Muskingum Improvement.*

Appropriated for payment of contracts, for repairs, damages and expenses, during the year ending 15th November, 1847 -----	\$65,474 02
Paid commissioners' checks, upon contracts for repairs, damages and expenses, during the year----	59,159 71
	<hr/>
Balance of appropriation in the Treasury, unexpended, on the 15th November, 1847 -----	\$6,314 31
	<hr/>

*Hocking Canal.*

Appropriated for payment of contracts, for repairs, damages and expenses, during the year ending 15th November, 1847 -----	\$7,745 31
Paid commissioners' checks, upon contracts for repairs, damages and expenses, during the year -----	<u>7,745 31</u>

*Walhonding Canal.*

Appropriated for payment of contracts, for repairs, damages and expenses, during the year ending 15th November, 1847 -----	\$5,592 23
Paid commissioners' checks, upon contracts for repairs, damages and expenses, during the year -----	<u>5,592 23</u>

*Warren County Canal.*

Balance of former appropriation remaining in the Treasury on the 15th November, 1847 -----	<u>\$1,393 31</u>
---	-------------------

*Board of Public Works.*

Balance of appropriation, for contingent expenses of Board, remaining in the Treasury on the 15th Nov. 1846-----	\$263 27
Appropriated during the year ending 15th Nov. 1847	<u>2,126 42</u>
	<u>\$2,389 69</u>
Paid checks of the President of the Board of Public Works, for contingent expenses, during the year--	<u>2,389 69</u>

*Board of Fund Commissioners.*

Balance of appropriation, for contingent expenses of Board, remaining in Treasury 15th Nov. 1846----	\$483 43 5
Appropriated during the year ending 15th Nov. 1847,	<u>1,558 24 5</u>
	<u>\$2,041 68 0</u>
Paid contingent expenses of the Board during the year,	<u>1,735 58 0</u>
Balance of appropriation in the Treasury 15th Nov. 1847 -----	<u>\$306 10 0</u>

*Interest on Domestic Bonds.*

Balance of former appropriation in the Treasury on the 15th November, 1846-----	\$3,261 98 5
Appropriated during the year ending 15th Nov. 1847, -----	46,793 89 5
	<hr/>
	\$50,055 88 0
Interest on domestic bonds, paid at the Treasury during the year -----	47,835 27 0
	<hr/>
Balance of appropriation in the Treasury on the 15th November, 1847 -----	<u>\$2,220 61 0</u>

*STATEMENT of the balances of the several Funds in the Treasury on the 15th November, 1847.*

General Revenue-----	\$68,106 55 0	
Common School fund-----	48,078 70 0	
Virginia Military School fund----	3,700 29 3	
Ministerial Section No. 29 -----	32 22 0	
Surplus Revenue interest -----	160 00 0	
National Road tolls -----	15,163 81 0	
Three per cent. fund-----	52,864 91 0	
Commercial Hospital, Cincinnati-----	232 00 0	
	<hr/>	
	\$188,138 48 3	
Deduct overdraft on Surplus Revenue fund-----	170 01 0	
	<hr/>	
		\$187,968 47 3
In Department of Public Works—		
Canal fund-----	\$63,955 67 4	
Wabash & Erie Canal Land fund,	31,398 08 0	
Miami Extension Canal Land fund,	33,829 71 0	
Surplus Revenue fund -----	121,608 31 0	
Western Reserve & Maumee Road fund -----	3,661 24 0	
Sinking fund -----	33,189 25 0	
National Road bonds-----	959 14 0	
Ohio Canal—Bal. of appropriation,	1,060 00 0	
Miami & Miami Extension Canal,	584 50 0	
Wabash and Erie Canal -----	6,249 83 0	
Muskingum Improvement-----	6,314 31 0	
Warren County Canal-----	1,393 31 0	
Fund Commissioners' expenses --	306 10 0	
Interest on domestic bonds -----	2,220 61 0	
	<hr/>	
		306,730 06 4
<hr/>		
Total amount of the balances of the several funds in the Treasury, November 15th, 1847 -----		<u>\$494,698 53 7</u>

The tolls stated to have been collected from the Miami Canal, the Miami Extension and Wabash and Erie Canals, do not show the actual amount of tolls received for the transportation upon each of these canals. It is difficult for the collectors to keep the accounts of the tolls, received on each canal, separate. To require a boat, passing from Cincinnati to Toledo, to pay toll at two intermediate offices, would subject the owner of freight and captains of boats to unnecessary trouble and inconvenience. The collectors have, therefore, received at the office from which the boat is cleared, the whole tolls upon the boat and freight, to the place of destination.

The whole line of canal, from Cincinnati to Toledo, and the State line, should be considered as one canal. In the report of tolls to this office, no distinction should be made between the different sections or divisions of the canal.

No separate accounts of the water rents, received upon the canals and Muskingum Improvement, or of the rents payable by the several lessees and persons using the water furnished by the State, were kept in this office prior to 1846. In 1845 circulars were sent to the collectors requesting information on this subject. It appeared, by the reports of the collectors, that a number of persons had long been using the water, without having a lease and without paying rent, and no efficient system of accountability existed. These reports were placed before the Board of Public Works, for the purpose of having measures taken for the execution of leases, and for the adoption of the necessary regulations in relation to the payment of the rents. Efforts were made by the Board to effect these objects, which have, as yet, been only partially accomplished.

An account has been opened, on the books of this office, with every lessee and person who is using the water; and the collectors are required to report, every six months, the amount of rents payable, the sum paid and the balance due, by each lessee and person using the water in his vicinity.

Effective measures will be taken to secure punctuality in the payment of these rents, and for the collection of the arrears now due. The necessity for this is apparent, from the fact that the total amount of the annual rents payable, is \$44,852; and the sum received, in 1846, was \$37,968 07, and in 1847, \$32,852 49.

If the office of Fund Commissioner is to be continued under the present law, it appears to be necessary that a report or account from that office should be filed in the auditor's office, for the purpose of having the accounts properly closed and the whole fiscal operations of the year presented in the annual report of the auditor. Without such a report, no accurate and full statement of the condition of the finances of the State can be presented in the Auditor's Report.

# **VI. STATEMENT of the condition of the State Debt and Sinking Fund.**

## **DOMESTIC DEBT.**

### **OHIO CANAL STOCK.**

#### *Faith and Credit Bonds.*

Whole amount issued to Nov. 15th, 1847-----	*\$183,254 44
Redeemed prior to Nov. 15th, 1846- \$15,365 15	
Redeemed during the year ending	
15th Nov. 1847----- 8,061 13	
	<u>23,426 32</u>
Outstanding 15th Nov. 1847-----	<u>\$159,828 12</u>

#### *Miami Extension Land Bonds—Loan of 1842.*

Whole amount issued to Nov. 15th, 1847-----	\$122,622 19
Redeemed prior to 15th Nov. 1846- \$27,074 00	
Redeemed during the year ending	
15th Nov. 1847----- 1,965 00	
	<u>29,039 00</u>
Outstanding 15th Nov. 1847-----	<u>\$93,583 19</u>

#### *Wabash and Erie Land Bonds.*

Whole amount issued to 15th Nov. 1847-----	*\$83,026 00
Redeemed prior to 15th Nov. 1846- \$78,484 00	
Redeemed during the year ending	
15th Nov. 1847----- 3,192 00	
	<u>81,626 00</u>
Outstanding 15th Nov. 1847-----	<u>\$1,400 00</u>

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\* \$6,965, of Faith and Credit Bonds, were included in the amount of Wabash and Erie Land Bonds, in the annual report of 1846.



*Canal, School and Ministerial Bonds.*

Whole amount issued to 15th Nov. 1847-----	\$91,742 00
Redeemed during the year ending 15th Nov. 1847-	2,472 68
	<hr/>
Outstanding 15th Nov. 1847 -----	\$89,269 32
	<hr/>

**MIAMI EXTENSION CANAL STOCK.***Faith and Credit Bonds.*

Whole amount issued to Nov. 15th, 1847-----	\$229,400 00
None of these bonds have been redeemed.	

*Miami Extension Land Bonds—Loan of 1843.*

Whole amount issued to 15th Nov. 1847 -----	\$94,100 00
None of these bonds have been redeemed.	

*Ohio Turnpike Stock.*

Amount issued prior 15th Nov. 1846,	\$305,317 30	
Issued during the year ending 15th		
Nov. 1847 -----	32,052 55	
	<hr/>	337,369 85
Am't redeemed prior 15th Nov. 1846,	\$214,430 57	
Redeemed during the year ending		
15th Nov. 1847-----	104,192 92	
	<hr/>	318,623 49
		<hr/>
Outstanding 15th Nov. 1847 -----		\$18,746 36
		<hr/>

*National Road Stock.*

Am't issued prior to 15th Nov. 1846,	\$33,900 73	
Issued during the year ending 15th		
Nov. 1847-----	29,605 26	
	<hr/>	\$ 63,505 99
None of these bonds have been redeemed.		<hr/>

## RECAPITULATION OF DOMESTIC STOCK.

	Amount of Bonds Issued..	Amount Re- deemed.	Amount Out- standing.
<i>Ohio Canal Stock—</i>			
Faith and Credit Bonds	\$183,254 44	\$23,426 32	\$159,828 12
Miami Extension Canal			
Land Bonds-----	122,622 19	29,039 00	93,583 19
Wabash and Erie Canal			
Land Bonds-----	83,026 00	81,626 00	1,400 00
Canal, School and Min- isterial Bonds-----	91,742 00	2,472 68	89,269 32
<i>Miami Ex. Canal Stock—</i>			
Faith and Credit Bonds	229,400 00	-----	229,400 00
Miami Extension Canal			
Land Bonds-----	94,100 00	-----	94,100 00
Ohio Turnpike Stock--	337,369 85	318,623 49	18,746 36
National Road Stock--	63,505 99	-----	63,505 99
Totals-----	\$1,205,020 47	\$455,187 49	\$749,832 98

## FOREIGN DEBT.

	Amount of Principal.	Amount of Annual Interest.
Stock redeemable in 1850, viz.—		
5 per cent-----	\$400,000 00	\$20,000 00
6 per cent-----	4,018,658 76	241,119 53
7 per cent--in 1851 ----	1,500,000 00	105,000 00
	<u>\$5,918,658 76</u>	<u>\$366,119 53</u>
Stock redeemable in 1856, viz.—		
6 per cent-----	\$3,365,779 24	\$201,946 75
Stock redeemable in 1860, viz.—		
5 per cent-----	\$150,000 00	\$7,500 00
6 per cent-----	6,862,781 00	411,766 86
	<u>\$7,012,781 00</u>	<u>\$419,266 86</u>
Stock redeemable in 1870, viz.—		
6 per cent-----	\$667,063 50	\$40,023 81
Total amount of Foreign Debt, and annual interest on same, 15th Nov. 1847 -----	<u>\$16,964,282 50</u>	<u>\$1,027,356 95</u>

## IRREDUCIBLE STOCK.

The amount of School and Trust funds, being moneys arising from sale of School, Ministerial, Salt and University lands, paid into the Treasury previous to the 15th November, 1847, viz :

School Section, No. 16-----	\$1,032,459 79 6
Ministerial Section, No. 29-----	30,208 30 1
Virginia Military School lands-----	135,468 02 7
United States Military "-----	119,467 51 6
Connecticut West. Res. "-----	158,659 00 8
Moravian "-----	1,905 43 4
Salt lands-----	39,306 31 2
Ohio University lands-----	1,897 39 0

Total amount of School and Trust funds loaned to Fund Commissioners-----	<u>\$1,519,371 78 4</u>
--	-------------------------

## RECAPITULATION.

	Amount of Principal.	Amount of Annual Interest.
Domestic Bonds outstanding ---	\$749,832 98 0	\$44,989 97
Foreign Debt-----	16,964,282 50 0	1,027,356 95
Irreducible Stock, loaned from School and Trust funds ----	1,519,371 78 4	91,162 30
	<u>\$19,233,487 26 4</u>	<u>\$1,163,509 22</u>

Whole am't of State debt, Foreign and Domestic-	\$19,233,487 26 4
Amount of annual interest on same-----	<u>1,163,509 22 0</u>

## SINKING FUND.

The amount of this fund belonging to the State on the 15th March, 1845, was as follows :

State stock payable in New York -----	\$83,000 00
Stock of Ohio Life Insurance and Trust Company --	36,000 00
Loaned to the Ohio University -----	5,000 00
Balance of stock of Farmers' and Mechanics' Bank of Steubenville-----	9,000 00
In the Treasury-----	4,747 50

Total amount of the fund on the 15th March, 1845--	<u>\$137,747 50</u>
--	---------------------

Transferred from Canal Fund to the Sinking Fund for the year 1845-----	25,000 00
Transferred for the year 1846 -----	25,000 00
Transferred for the year 1847 -----	25,000 00
Paid by the Ohio University -----	500 84
<b>Total amount -----</b>	<b><u>\$213,248 34</u></b>

The condition of this fund, on the 15th November, 1847, was as follows :

Balance of stock of Farmers' and Mechanics' Bank of Steubenville, not collected-----	\$7,500 00
Amount due by the Ohio University, with interest---	5,000 00
Appropriated for the purchase of Ohio State stocks -----	\$23,660 78
In the Treasury-----	33,189 25
	<u>56,850 03</u>
Balance of fund hypothecated as security for tempo- rary loans-----	107,898 31
<b>Total amount of fund, 15th Nov., 1847 -----</b>	<b>\$177,248 34</b>
Stock of the Ohio Life Insurance and Trust Company sold to pay interest -----	36,000 00
<b>Total amount -----</b>	<b><u>\$213,248 34</u></b>

In addition to the above, the State holds stocks in turnpike, canal, and railroad companies, which may safely be estimated as follows :

Turnpike stocks, paid----	\$1,921,675 71—value--	\$500,000 00
Canal “ “ -----	570,000 00 “ --	100,000 00
Railroad “ “ -----	462,937 06 “ --	400,000 00
<b>Total value-----</b>		<b><u>\$1,000,000 00</u></b>

Supposing that it will take the whole balance of the sinking fund to pay our temporary debts, the value of the stocks stated above, deducted from the amount of the funded debt, leaves the balance which may be regarded as the actual debt of the State, \$18,233,487 26 4.

In reviewing our financial affairs, it will appear that the State Treasury has been, for several years, seriously embarrassed by the balances due to contractors upon the canals and public works of the State, and by the deficit in the funds necessary to pay the accruing interest. But, at length, the whole of the claims against the State for the construction of these works, have been paid, and all the public improvements of the State, which required the expenditure of large sums from the Treasury, have been completed.

In 1846 the revenues of the State were barely sufficient to meet the annual demands upon the Treasury, leaving unpaid the deficits of other years. The revenues for 1847 have, for the first time since 1836, considerably exceeded the annual demands upon the Treasury. The receipts of the past year, with the means under the control of the Fund Commissioners, will enable them to discharge the whole of the temporary liabilities for money borrowed to pay arrears of interest, and will place the finances of the State in a very favorable condition.

The only legislative action which is deemed necessary, at the present session, in relation to the large amount of the foreign debt of the State becoming due in 1850, is, to require that a sufficient tax shall be levied to provide an annual sinking fund of at least two hundred thousand dollars. To fail, in the present condition of our finances, to make this provision, would, in my judgment, be to neglect the most important interests of the State.

The facility with which money can be obtained, and debts created by the State, is, perhaps, one of the greatest defects in our government. It is the means by which honest industry is most effectually made subservient to the undue control of wealth, and deprived of the reward of its labor. The exercise of this power requires to be guarded with the utmost vigilance. The people of Ohio are awake to the importance of this subject. If they adhere firmly to the determination that, upon no pretence, or for no purpose, shall new debts be incurred, the growing population and wealth of the State, with the accumulating revenues of our public works, will soon furnish means, without increasing the rate of taxation, to relieve the State from the payment of interest; and whatever sums shall be received for the sinking fund, instead of being swallowed up by the "deficits," will extinguish an equal amount of debt, and the account of "State liabilities" on the books of this department will, hereafter, show the whole amount of the State debt.

JOHN WOODS.

## APPENDIX.

**A TABULAR STATEMENT** exhibiting the number of Acres of Land in the several Counties; the value thereof, with improvements; value of Town Lots, with the improvements thereon; value of Personal Property, Money and Credits; and total value of Taxable Property; State Tax on Property; Tax on Lawyers and Physicians; County, School and Township Taxes; Road Tax; School House and other Special Taxes; Delinquencies and Forfeitures, with the penalty and interest thereon; and total amount of Taxes on the Duplicates of each County, for the year 1847.

COUNTIES.	Acres of Land.	Value of Lands.	Value of Towns.	Value of Personal Property, Money and Credits.	Total value of Taxable Property.	State Tax on Property.	Tax on Lawyers and Physicians.
Adams -----	255,477	\$1,892,600	\$140,765	\$619,409	\$2,652,774	\$7,295 12 8	\$75 00
Allen -----	285,084	1,246,970	93,079	250,304	1,590,353	4,873 47 0	98 00
Ashland -----	266,175	3,501,442	182,984	745,769	4,480,195	12,182 92 0	166 00
Ashtabula -----	443,784	3,675,052	102,202	1,019,607	4,790,861	13,191 36 7	67 90
Athens -----	391,981	1,483,292	210,448	476,058	2,169,798	5,137 48 9	51 00
Belmont -----	335,576	5,156,855	447,327	1,389,992	6,994,174	19,233 94 8	169 00
Brown -----	295,446	3,606,308	470,755	1,110,651	5,187,714	14,266 10 4	107 31
Butler -----	292,031	7,090,658	853,839	1,968,533	9,913,028	26,494 56 3	194 00
Carroll -----	245,944	2,125,228	103,139	587,623	2,815,990	7,743 96 3	60 00
Champaign -----	266,138	3,331,706	342,931	954,723	4,629,360	12,731 72 8	124 50
Clark -----	245,910	4,442,644	683,296	1,348,706	6,424,646	17,667 79 3	82 00
Clermont -----	277,846	4,655,237	418,657	1,280,426	6,354,320	17,474 38 0	200 00
Clinton -----	258,929	8,186,952	167,129	803,856	4,257,937	11,709 82 5	115 00
Columbiana -----	334,891	5,024,006	604,688	1,368,656	6,992,352	19,223 96 8	172 00

Coshocton -----	346,699	3,755,765	290,892	720,720	4,757,967	13,125 05 4	122 00
Crawford -----	251,845	2,434,499	135,926	532,393	3,102,818	8,561 04 6	82 00
Cuyahoga -----	282,611	4,201,703	3,423,922	1,987,553	9,563,478	26,208 80 0	146 00
Darke -----	378,946	2,532,405	127,823	520,721	3,180,949	8,747 54 7	62 00
Defiance -----	164,749	657,541	123,494	138,915	919,950	2,529 86 2	28 50
Delaware -----	380,555	3,507,150	431,456	742,225	4,680,831	12,572 28 1	121 25
Erie -----	158,149	2,121,427	961,399	648,580	3,931,406	10,810 67 9	79 00
Fairfield -----	335,093	5,071,880	873,754	1,544,345	7,489,979	20,597 42 2	194 00
Fayette -----	256,495	2,147,523	86,690	708,543	2,942,756	8,092 57 3	51 00
Franklin -----	331,537	5,640,408	2,664,628	2,162,942	10,467,978	28,786 65 5	264 00
Gallia -----	277,231	1,320,958	212,832	524,509	2,057,799	5,688 94 7	85 00
Geauga -----	254,550	2,424,245	41,498	566,204	3,061,947	8,420 34 0	20 25
Greene -----	256,694	5,147,757	466,123	1,448,128	7,062,008	19,420 52 2	101 00
Guernsey -----	389,543	3,552,589	379,551	828,598	4,761,038	13,093 12 9	89 00
Hamilton -----	251,525	10,350,540	30,182,210	11,223,990	51,756,740	142,331 08 5	862 00
Hancock -----	328,151	1,702,775	120,026	373,450	2,196,251	6,039 68 5	46 50
Hardin -----	281,813	941,047	90,274	170,773	1,202,694	3,307 39 5	38 90
Harrison -----	252,893	3,057,118	210,037	1,013,617	4,280,772	11,772 12 3	95 00
Henry -----	147,206	401,639	20,993	48,025	470,657	1,294 30 7	63
Highland -----	336,081	3,821,638	438,113	1,081,509	5,341,290	14,688 46 0	174 00
Hocking -----	242,964	911,971	52,075	230,101	1,194,147	3,283 90 3	28 00
Holmes -----	259,473	2,391,062	112,935	537,602	3,041,599	8,364 39 7	41 00
Huron -----	313,083	3,842,180	310,734	890,858	5,043,772	13,870 37 3	161 00
Jackson -----	250,624	1,047,496	81,109	326,023	1,454,630	3,999 42 3	5 84
Jefferson -----	257,701	4,498,035	911,825	1,689,696	7,099,556	19,523 78 3	138 00
Knox -----	378,509	4,477,001	642,926	989,613	6,110,140	16,802 88 5	150 00
Lake -----	145,168	1,925,469	139,554	612,767	2,677,790	7,963 94 6	56 00
Lawrence -----	177,777	967,821	23,628	620,475	1,611,922	4,430 80 9	57 00

## TABULAR STATEMENT — Continued.

COUNTIES.	Acres of Land.	Value of Lands.	Value of Towns.	Value of Personal Property, Money and Credits.	Total value of Taxable Property.	State Tax on Property.	Tax on Lawyers and Physicians.
Licking -----	426,830	\$6,084,684	\$1,019,162	\$1,587,252	\$8,691,098	\$23,900 51 9	\$213 00
Logan -----	294,164	2,412,841	236,472	562,496	3,211,809	8,832 47 5	38 80
Lorain -----	306,493	3,029,983	294,329	625,869	3,950,181	10,802 99 6	78 50
Lucas -----	346,999	1,377,390	926,000	639,429	2,842,819	7,817 76 0	-----
Madison -----	277,700	2,420,686	146,465	845,434	3,412,585	9,384 60 4	74 00
Mahoning -----	262,126	4,284,641	203,139	1,027,900	5,515,680	15,165 17 5	89 00
Marion -----	292,950	2,271,788	189,145	606,813	3,097,746	8,496 30 2	103 00
Medina -----	264,852	3,065,750	97,092	605,816	3,768,658	10,363 80 9	37 50
Meigs -----	253,408	1,342,810	189,580	407,963	1,940,363	5,335 97 2	28 50
Mercer -----	265,510	1,797,101	186,513	214,010	1,597,624	4,393 46 5	28 00
Miami -----	256,119	4,235,224	699,456	1,098,720	6,033,400	16,591 84 4	46 25
Monroe -----	342,496	1,862,564	112,449	467,157	2,442,170	6,715 96 8	53 37
Montgomery -----	285,617	6,749,118	2,860,053	2,567,947	12,177,118	33,487 07 5	376 00
Morgan -----	352,411	3,283,592	265,694	805,941	4,354,877	11,975 91 2	82 90
Muskingum -----	418,618	5,914,830	1,869,014	2,706,524	10,490,368	28,848 51 2	212 00
Ottawa -----	158,100	361,077	6,568	77,436	445,081	1,215 03 2	10 00
Paulding -----	58,761	160,254	17,749	24,376	202,379	556 54 2	3 50
Perry -----	255,325	2,631,201	175,848	573,676	3,380,725	9,206 99 8	20 50
Pickaway -----	308,773	5,492,456	627,425	1,362,069	7,481,950	20,575 86 1	126 00
Pike -----	162,871	1,432,944	137,221	374,790	1,944,955	5,348 62 4	15 05



Portage	314,343	4,232,057	139,979	1,123,450	5,494,486	15,107 75 3	141 00
Preble	266,216	4,323,243	354,234	1,207,615	5,865,092	16,184 00 3	156 50
Putnam	247,467	877,229	40,950	168,211	1,086,390	2,987 50 7	22 00
Richland	363,691	4,466,811	589,403	1,158,093	6,224,307	17,116 84 3	257 00
Ross	380,439	6,119,750	1,490,645	2,279,560	9,889,955	27,197 37 6	83 00
Sandusky	253,709	1,664,005	226,617	423,142	2,312,764	6,359 91 9	104 00
Scioto	181,865	1,582,498	634,949	881,148	3,098,295	8,520 30 6	61 70
Seneca	342,021	4,204,566	426,203	920,184	5,550,983	15,265 20 2	82 00
Shelby	210,085	1,793,186	199,540	382,940	2,375,666	6,528 46 8	23 51
Stark	352,932	6,102,551	1,005,277	1,869,981	8,977,809	24,688 97 1	216 00
Summit	262,026	4,204,111	640,053	1,145,883	5,990,647	16,474 22 7	106 00
Trumbull	396,863	5,047,177	393,907	1,457,724	6,898,808	19,027 02 5	178 00
Tuscarawas	356,401	3,821,942	474,397	940,079	5,236,418	14,400 14 7	83 75
Union	272,609	1,286,101	77,919	312,597	1,676,617	4,610 58 0	8 50
Van Wert	181,483	321,107	22,209	61,005	404,321	1,112 88 2	---
Warren	251,280	5,701,966	487,422	1,726,241	7,915,629	21,767 98 2	122 50
Washington	397,242	2,224,795	571,272	950,156	3,746,223	10,303 33 8	108 00
Wayne	346,852	4,530,273	386,718	1,345,551	6,262,542	17,221 99 0	163 00
Williams	267,393	803,492	14,089	105,633	923,214	2,538 83 9	---
Wood	301,585	843,302	104,785	177,561	1,125,648	3,095 52 4	8 00
Wyandott	140,974	843,288	55,826	299,139	1,198,253	3,205 20 7	34 00
Totals	23,465,406	\$259,876,208	\$66,922,522	\$83,098,649	\$409,897,379	1,125,737 56 1	\$8,569 81
Turnpikes, Bridges, Stage and other Joint Stock Companies,							
				865,781	865,781	5,670 58 3	
Totals				\$83,964,430	\$410,763,160	1,131,398 14 4	

# TABULAR STATEMENT — *Continued*

COUNTIES.	Total value of Taxable Property.	County, School and Township Taxes.	Road Tax.	School House, and other Special Taxes.	Delinquencies and Forfeitures, with penalty and interest.	Total Taxes on the Duplicate.
Adams -----	\$2,652,774	\$10,254 77 7	-----	\$2 50 6	\$471 93 6	\$18,099 34 7
Allen -----	1,590,353	9,113 10 6	\$3,180 70 6	304 94 2	5,230 28 9	22,300 49 3
Ashland -----	4,430,195	12,522 29 7	2,674 30 2	5 57 0	1,525 97 7	29,077 06 6
Ashtabula -----	4,796,861	19,357 17 5	397 56 0	112 03 3	1,009 21 3	34,135 24 8
Athens -----	2,169,798	7,442 39 6	3,329 24 1	629 25 5	747 74 5	17,337 12 6
Belmont -----	6,994,174	11,553 00 5	-----	76 39 6	564 34 6	31,595 69 5
Brown -----	5,187,714	17,388 44 9	-----	-----	1,173 15 3	32,935 01 6
Butler -----	9,913,028	19,924 91 2	-----	3,682 86 3	1,101 12 6	51,397 45 4
Carroll -----	2,815,990	6,950 24 7	1,689 58 8	-----	266 80 9	16,710 60 7
Champaign -----	4,629,360	14,961 32 7	2,314 67 3	480 56 9	790 57 9	31,403 37 6
Clark -----	6,424,646	17,333 77 7	-----	-----	453 21 7	35,536 78 7
Clermont -----	6,354,320	15,442 91 9	141 74 0	217 74 2	1,013 82 1	34,490 60 2
Clinton -----	4,257,937	13,140 70 7	-----	-----	965 87 2	25,930 90 4
Columbiana -----	6,992,352	17,065 52 8	4,195 41 1	81 01 0	605 31 6	41,348 23 3
Coshocton -----	4,757,367	13,395 72 7	2,863 66 2	81 46 8	1,437 72 8	31,025 63 9
Crawford -----	3,102,818	4,913 15 6	2,808 20 8	81 01 2	926 95 1	17,372 37 3
Cuyahoga -----	9,563,478	37,361 79 3	3,748 65 4	2,041 18 4	3,639 66 4	73,236 09 5
Darke -----	3,180,949	6,257 42 0	3,024 00 1	83 31 4	871 11 9	19,045 40 1
Defiance -----	919,950	6,222 32 0	2,912 48 6	1,470 85 2	1,212 76 4	14,376 78 4
Delaware -----	4,680,531	14,410 31 0	2,340 41 4	292 40 4	1,964 26 2	31,970 92 1

Erie	3,931,406	13,528	13 6	853	33 7	177	37 0	1,056	19 9	26,504	92 1
Fairfield	7,489,979	25,972	97 1	-----	-----	77	39 1	1,524	68 1	48,366	44 5
Fayette	2,942,756	7,052	65 0	-----	-----	-----	-----	837	52 0	15,533	74 3
Franklin	10,467,978	24,130	44 2	770	38 8	5,233	20 1	2,927	79 1	62,112	47 7
Gallia	2,057,799	8,147	60 8	773	63 8	46	51 7	407	71 6	15,119	42 6
Geauga	3,061,947	8,025	31 2	175	11 0	313	11 1	646	24 9	17,600	37 2
Greene	7,062,006	13,799	13 3	-----	-----	2,040	93 0	207	31 9	35,568	90 4
Guernsey	4,761,038	11,023	60 0	3,328	39 5	350	69 0	727	33 2	28,612	14 6
Hamilton	51,756,740	146,674	90 5	8,186	71 5	135,005	23 6	12,954	02 0	446,013	91 1
Hancock	2,196,251	10,464	48 1	1,946	26 5	639	06 1	950	63 5	20,056	92 7
Hardin	1,202,694	9,207	14 8	1,899	67 5	328	71 8	3,326	53 3	18,108	36 9
Harrison	4,280,772	9,445	25 9	2,140	38 5	26	34 0	490	04 9	23,971	15 6
Henry	470,657	5,415	07 7	1,907	29 9	612	70 6	4,252	36 0	13,482	37 9
Highland	5,341,280	13,353	14 7	-----	-----	1,683	01 2	375	42 3	30,574	04 2
Hocking	1,194,147	6,337	63 0	-----	-----	37	79 0	433	35 0	10,120	67 3
Holmes	3,041,599	8,924	29 7	3,041	59 9	13	26 3	984	32 5	21,368	88 1
Huron	5,043,772	13,849	29 6	478	16 0	643	12 7	832	59 0	29,534	54 6
Jackson	1,454,630	4,599	97 8	150	69 7	53	53 2	449	22 9	9,258	69 9
Jefferson	7,099,556	16,193	11 0	803	95 5	-----	-----	1,680	61 6	38,339	46 4
Knox	6,110,140	19,304	18 2	6,034	98 0	816	72 1	4,702	44 8	47,811	21 6
Lake	2,677,790	9,680	29 9	199	97 9	274	57 0	841	19 6	18,415	99 0
Lawrence	1,611,922	7,388	68 4	1,103	99 9	19	77 8	157	51 3	13,157	78 3
Licking	8,691,098	25,681	19 1	5,258	13 9	226	24 6	5,823	66 3	61,112	75 8
Logan	3,211,809	11,604	89 0	1,141	19 6	718	18 0	1,844	62 6	24,180	16 7
Lorain	3,950,181	11,746	29 5	656	49 3	919	70 5	762	30 5	25,026	29 4
Lucas	2,842,819	15,038	91 0	4,590	28 0	7,682	92 0	4,713	89 0	39,843	74 0
Madison	3,412,585	7,403	19 9	3,412	58 5	74	79 5	442	31 7	20,791	50 0
Mahoning	5,515,680	10,473	42 4	2,752	01 1	-----	-----	314	08 0	28,793	69 0

## TABULAR STATEMENT — Continued.

COUNTIES.	Total value of Taxable Property.	County, School and Township Taxes.	Road Tax.	School House, and other Special Taxes.	Delinquencies and Forfeitures, with pen- alty and interest.	Total Taxes on the Duplicate.
Marion-----	\$3,067,746	\$8,789 40 7	\$3,067 74 9	\$817 23 0	\$1,656 62 5	\$22,870 30 0
Medina-----	3,768,658	9,713 38 1	387 59 7	406 61 4	354 28 3	21,262 18 4
Meigs-----	1,940,353	6,925 89 9	1,144 09 5	86 65 7	386 48 5	13,907 60 8
Mercer-----	1,597,624	11,180 06 6	3,994 06 7	199 27 0	8,146 63 7	27,941 49 5
Miami-----	6,033,400	16,882 15 8	773 44 6	128 74 6	4,390 49 4	88,812 93 8
Monroe-----	2,442,170	6,563 40 2	3,527 10 4	124 90 0	1,247 66 4	18,232 40 8
Montgomery--	12,177,118	34,234 79 9	270 50 2	11,206 07 5	1,328 01 4	80,900 46 5
Morgan-----	4,354,877	9,868 81 6	2,177 43 8	982 61 2	684 87 9	25,782 55 7
Muskingum---	10,490,368	24,242 66 5	3,690 02 3	109 68 1	1,469 89 5	58,572 77 6
Ottawa-----	445,081	2,475 71 7	1,293 77 5	2,501 61 3	1,704 70 6	9,200 84 3
Paulding-----	202,379	2,476 73 1	1,214 27 4	23 70 8	1,738 15 0	6,012 90 5
Perry-----	3,380,725	11,186 67 4	289 58 5	938 14 7	151 40 0	21,883 28 4
Pickaway-----	7,481,950	20,014 68 1	-----	222 94 9	1,679 92 6	42,618 91 7
Pike-----	1,944,955	6,834 41 1	-----	152 61 9	237 23 3	12,588 83 7
Portage-----	5,494,486	13,953 32 3	225 77 3	1,479 16 2	517 31 5	31,424 32 6
Preble-----	5,865,092	18,333 51 6	4,413 81 8	406 86 8	796 19 6	40,290 90 1
Putnam-----	1,086,390	5,810 45 6	4,345 55 8	702 17 1	1,468 49 2	15,336 18 4
Richland-----	6,224,307	16,543 21 6	3,112 15 3	57 55 1	1,899 62 7	36,986 39 0
Ross-----	9,869,955	22,229 69 5	-----	-----	179 51 9	49,689 59 0
Sandusky-----	2,312,764	9,922 56 9	3,202 92 1	4,762 17 9	2,295 58 2	26,047 17 0
Scioto-----	8,098,296	15,623 09 2	-----	-----	2,505 72 1	26,710 81 9



**TABULAR STATEMENT of the number and value of Domestic Animals returned for taxation by the Township Assessors, and equalized by the County Boards, for the year 1847.**

COUNTIES.	HORSES.			MULES.			CATTLE.			SHEEP.			HOGS.		
	No.	Value	No.	Value	No.	Value	No.	Value	No.	Value	No.	Value	No.	Value	No.
Adams -----	5,969	\$163,257	5	\$282	7,621	\$54,780	21,621	\$10,319	27,759	\$46,050					
Allen -----	4,074	103,314	2	150	6,287	46,634	12,388	7,837	13,646	13,328					
Ashland -----	6,616	234,452	2	50	12,990	95,452	54,583	28,583	20,413	24,006					
Ashtabula -----	4,649	159,223	56	2,111	26,497	319,815	61,874	31,069	6,855	16,174					
Athens -----	4,381	120,532	7	200	9,112	78,852	43,515	22,073	13,410	22,149					
Belmont -----	9,561	343,002	---	---	11,788	97,750	67,779	39,702	26,694	44,387					
Brown -----	8,214	241,546	14	467	9,597	73,215	27,425	12,996	41,552	91,278					
Butler -----	10,516	400,027	9	530	11,751	107,063	19,923	11,278	60,604	156,190					
Carroll -----	5,694	194,736	11	490	8,939	66,840	64,296	35,782	14,901	15,325					
Champaign -----	7,155	222,303	31	1,956	11,463	95,007	41,505	23,557	19,219	42,165					
Clark -----	6,842	231,456	64	3,275	13,849	141,972	53,168	31,371	24,211	53,498					
Clinton -----	8,653	282,026	44	1,528	10,496	88,154	26,143	14,267	40,207	94,356					
Columbiana -----	6,848	223,663	46	2,510	9,629	84,231	41,796	26,047	39,592	105,471					
Coshocton -----	8,381	270,590	3	55	13,052	109,064	100,960	54,130	17,871	28,937					
Crawford -----	6,792	231,190	4	120	11,844	84,161	47,794	24,763	22,593	31,080					
Cuyahoga -----	4,802	168,407	1	30	10,595	89,081	45,948	24,201	19,086	23,808					
Darke -----	5,102	191,355	1	20	14,374	168,515	62,582	31,596	8,884	19,505					
-----	6,213	181,657	3	96	9,662	67,267	23,961	11,240	30,287	42,458					

Defance	944	28,508	---	---	2,556	23,798	1,816	1,477	5,085	5,109
Delaware	8,011	233,214	12	1,213	13,235	107,304	51,149	27,764	32,465	52,635
Erie	3,094	118,115	4	100	7,396	82,234	42,749	21,531	8,378	11,508
Fairfield	10,065	301,273	6	280	15,430	106,232	43,858	21,468	37,588	62,195
Fayette	6,044	180,606	64	3,080	14,131	183,770	40,092	24,204	31,066	77,159
Franklin	9,794	340,622	100	5,496	12,135	109,444	30,579	17,043	46,914	95,449
Galia	4,203	120,013	15	435	7,338	55,004	19,502	10,072	12,563	15,333
Geauga	3,392	124,249	12	436	15,456	200,365	62,695	33,321	5,634	14,154
Greene	7,924	263,853	22	930	10,482	98,173	47,250	26,836	33,202	52,306
Guernsey	9,137	275,197	6	255	13,325	86,257	71,701	36,192	27,744	35,710
Hamilton	12,116	443,203	31	1,095	12,591	127,075	11,744	8,290	38,275	97,446
Hancock	3,967	129,324	2	37	7,145	56,109	19,655	11,312	17,931	18,148
Hardin	1,926	56,619	7	230	3,920	32,863	6,824	4,032	8,082	10,468
Harrison	6,110	208,612	11	410	8,196	66,840	103,933	62,297	17,874	31,899
Henry	404	11,819	3	60	1,522	15,707	712	559	2,336	2,803
Highland	8,774	260,223	12	430	10,422	78,573	38,511	19,052	44,794	88,018
Hocking	3,155	81,365	1	40	5,970	38,338	15,397	7,169	11,811	12,837
Holmes	5,921	192,584	3	45	10,303	71,089	36,561	19,171	18,152	18,047
Huron	5,440	198,788	11	365	13,954	149,625	58,796	29,771	14,838	24,420
Jackson	3,790	97,680	19	740	8,923	74,450	20,224	10,622	14,716	17,779
Jefferson	6,559	219,367	5	130	9,076	69,095	88,849	57,662	18,775	27,304
Knox	9,330	284,487	8	240	14,349	107,060	68,978	36,505	24,192	37,151
Lake	2,865	107,924	5	230	8,631	106,039	40,666	21,039	4,571	12,449
Lawrence	2,627	77,829	53	4,228	5,237	63,070	8,061	4,412	9,878	13,003
Licking	11,199	367,108	31	785	17,119	151,271	93,068	49,443	31,543	52,051
Logan	5,686	167,953	7	525	8,302	63,914	32,077	15,936	20,082	24,776
Lorain	4,566	162,455	17	475	15,094	169,744	69,363	36,307	11,688	19,616
Lucas	2,451	91,803	---	---	8,786	95,357	11,773	8,387	9,580	10,617

TABULAR STATEMENT — Continued.

COUNTIES.	HORSES.		MULES.		CATTLE.		SHEEP.		HOGS.	
	No.	Value.	No.	Value.	No.	Value.	No.	Value.	No.	Value.
Madison -----	4,705	\$151,417	70	\$4,285	23,105	\$328,648	39,728	\$24,221	23,775	\$46,750
Mahoning -----	6,244	213,972	18	500	13,694	142,491	97,089	53,804	12,035	23,146
Marion -----	5,603	186,768	41	1,254	12,200	110,140	50,150	26,327	23,414	38,033
Medina -----	4,786	162,281	---	---	13,728	145,719	66,948	33,614	11,083	18,273
Meigs -----	3,032	83,218	7	200	8,315	55,967	21,650	12,148	8,207	11,680
Mercer -----	2,306	64,233	1	15	5,458	39,203	5,560	3,864	12,873	12,189
Miami -----	7,214	230,377	---	---	9,831	76,283	29,123	15,201	23,941	42,612
Monroe -----	5,554	157,530	6	220	8,760	59,744	25,463	11,968	19,391	21,394
Montgomery -----	10,342	354,685	9	162	13,797	103,098	27,389	13,486	37,581	76,259
Morgan -----	7,659	230,453	4	90	10,577	75,648	47,093	24,219	20,553	27,587
Muskingum -----	11,251	369,645	19	638	17,612	133,882	67,514	35,020	31,832	44,777
Ottawa -----	710	21,776	1	20	2,541	23,515	6,313	3,809	3,734	3,020
Paulding -----	262	8,475	---	---	688	6,079	329	378	2,229	2,794
Perry -----	6,118	184,478	5	210	10,630	62,470	39,963	20,149	20,237	25,835
Pickaway -----	8,460	282,402	3	150	16,997	212,851	29,124	15,718	50,925	125,390
Pike -----	3,296	96,373	10	325	4,744	36,635	10,792	5,511	17,920	36,954
Portage -----	5,324	201,892	22	768	21,211	274,333	100,304	51,074	10,012	22,272
Preble -----	7,999	277,664	11	140	10,671	82,081	32,684	16,343	41,092	97,702
Putnam -----	2,228	64,640	---	---	4,626	34,576	7,529	5,106	11,021	10,494



Richland	9,726	312,209	7	280	17,163	117,889	62,203	29,292	26,765	27,965
Ross	10,431	341,568	39	1,732	15,866	170,820	29,897	16,304	70,351	186,372
Sandusky	3,212	108,084	2	60	7,958	74,892	22,241	11,764	13,819	14,509
Scioto	4,108	116,870	79	3,231	6,714	66,108	12,396	6,914	14,553	20,905
Seneca	6,470	239,926	2	53	13,315	112,511	50,737	26,492	24,925	28,979
Shelby	3,813	109,654	8	680	6,303	43,453	15,199	7,697	15,146	19,046
Stark	9,644	358,941	13	540	17,966	150,173	83,910	53,692	27,288	41,585
Summit	5,019	190,029	4	163	13,676	150,632	75,967	40,508	13,974	23,479
Trumbull	6,353	220,645	35	1,390	26,190	323,063	99,471	51,335	11,498	24,226
Tuscarawas	7,520	246,239	11	980	13,249	92,346	53,752	30,645	22,600	22,627
Union	3,714	106,771	57	2,201	6,522	63,067	18,931	10,729	18,063	28,983
Vanwert	729	19,887	1	50	1,911	15,697	1,672	1,202	5,111	4,485
Warren	8,632	98,144	10	410	11,103	99,629	30,761	19,326	40,228	110,295
Washington	4,801	142,842	---	---	10,178	92,368	41,656	23,751	13,523	21,022
Wayne	9,703	337,062	3	65	17,183	122,630	68,094	34,927	25,639	30,941
Williams	849	26,930	---	---	3,689	37,953	3,030	2,412	4,784	5,465
Wood	1,712	54,854	1	30	5,850	55,266	8,194	5,074	8,842	8,346
Wyandott	2,779	90,360	2	80	5,381	50,342	28,052	15,133	10,173	12,611
Totals	472,392	\$15,760,817	1,205	\$56,511	900,162	\$6,304,490	3,365,025	\$1,822,564	1,757,318	\$3,160,706

Total value of Domestic Animals ----- \$29,105,088

***TABULAR STATEMENT of the number and value of enumerated articles; value of unenumerated articles; Merchants' Stock; Manufacturers' Stock; and Money and Credits; and total value of Personal Property returned for taxation by the Township Assessors, and equalized by the County Boards, for the year 1847.***

COUNTIES.	Pleasure Carriages.		Watches.		Pianos.		Value of Unenumerated Articles.	Value of Merchants' Stock.	Value of Manufacturers' Stock.	Value of Money and Credits.	Total value of Personal Property.
	No.	Value.	No.	Value.	No.	Value.					
Adams -----	179	\$8,042	379	\$3,934	1	\$150	\$10,952	\$78,362	\$14,802	\$215,838	\$606,798
Allen -----	57	1,802	236	1,879	---	---	4,264	22,406	11,952	36,732	250,302
Ashland -----	736	28,368	729	6,343	7	755	15,948	66,680	29,413	188,958	719,998
Ashabula -----	1,321	43,318	699	7,543	4	290	72,877	105,314	38,404	217,221	1,013,362
Athens -----	239	8,841	443	4,332	10	830	13,772	69,881	12,529	118,664	472,955
Belmont -----	518	28,037	1,225	13,638	16	1,595	39,186	166,046	34,709	534,518	1,342,570
Brown -----	258	12,498	580	9,666	10	1,390	15,322	148,083	81,133	473,072	1,110,666
Butler -----	1,035	64,757	1,420	18,115	31	3,552	45,957	240,887	84,459	995,460	2,128,675
Carroll -----	437	16,118	500	3,864	1	15	6,749	53,237	7,906	157,483	558,547
Champaign --	505	27,845	766	8,371	10	1,330	43,120	117,924	32,969	332,804	949,351
Clark -----	802	43,503	933	11,332	12	1,690	34,450	170,370	61,397	557,904	1,345,217
Clermont -----	662	35,370	772	11,242	16	2,420	58,631	126,138	64,337	490,915	1,269,414
Clinton -----	497	25,985	499	5,005	2	325	14,262	87,390	21,337	297,962	808,188
Columbiana --	1,451	52,296	1,196	12,346	22	1,520	35,545	217,010	52,811	443,846	1,278,150
Coshocton ---	840	14,285	470	4,552	5	545	26,433	72,889	33,857	198,912	722,795
Crawford ---	247	10,496	492	3,840	2	250	20,891	51,494	9,286	100,344	502,311
Cuyahoga ---	1,145	47,971	1,668	32,281	142	17,035	355,403	568,482	139,792	842,432	1,914,389
Darke -----	187	8,618	434	3,391	---	---	7,102	49,412	10,653	138,828	520,721

Defiance	24	755	146	1,342	8	215	11,291	29,133	5,779	27,185	134,592
Delaware	574	23,324	730	8,050	11	935	28,014	85,106	25,940	144,266	737,765
Erie	445	19,114	650	10,754	22	2,940	169,030	193,546	27,650	141,713	818,235
Fairfield	1,045	50,520	1,322	13,132	34	4,325	48,335	187,703	30,400	688,209	1,514,072
Fayette	234	12,161	223	2,411	1	75	8,022	48,423	5,451	160,054	705,416
Franklin	1,018	54,758	1,538	29,235	86	13,079	148,806	437,287	147,394	826,725	2,225,938
Gallia	175	8,542	374	3,839	12	1,450	17,977	80,985	10,578	190,565	514,793
Geauga	865	26,356	502	4,449	8	250	11,456	29,184	4,978	142,406	591,604
Greene	861	45,481	966	11,823	7	1,235	31,728	168,526	70,697	643,128	1,444,718
Guernsey	416	15,726	676	5,772	3	345	12,233	112,802	18,164	203,472	802,155
Hamilton	1,597	153,205	3,950	119,297	602	73,923	911,246	3,631,473	1,134,749	2,271,036	8,972,038
Hancock	126	4,535	332	2,173	---	---	10,657	35,070	4,765	99,596	371,626
Hardin	57	2,165	143	1,244	---	---	2,822	31,520	2,166	25,294	169,425
Harrison	535	20,529	682	6,743	10	1,395	20,301	117,261	13,427	445,979	995,693
Henry	14	673	91	806	1	150	1,743	4,800	928	7,989	48,037
Highland	558	27,265	564	6,914	19	2,203	18,744	124,489	28,726	412,649	1,067,286
Hocking	100	3,520	178	1,207	---	---	3,160	20,674	3,035	46,206	217,551
Holmes	339	12,735	402	2,768	2	115	6,964	49,567	12,231	137,189	522,505
Huron	693	27,411	860	10,594	16	1,805	30,261	95,658	31,170	259,842	889,710
Jackson	43	1,915	157	1,301	---	---	3,736	20,384	12,432	84,582	325,621
Jefferson	769	33,544	1,149	15,443	37	4,765	71,157	244,463	96,683	749,458	1,589,071
Knox	862	32,684	877	10,199	26	3,500	52,436	148,935	26,567	249,849	989,613
Lake	844	27,829	633	6,955	27	2,670	44,738	72,919	19,089	184,973	606,854
Lawrence	60	1,774	192	4,026	2	250	34,517	70,584	54,059	291,039	619,391
Licking	1,127	46,200	1,176	14,954	37	4,435	42,085	241,721	66,933	527,470	1,564,456
Logan	293	12,580	520	5,160	1	20	18,897	100,522	17,842	129,348	557,473
Lorain	803	27,748	793	8,056	15	1,430	17,971	69,987	9,957	100,884	624,630
Lucas	228	9,065	599	9,943	19	2,180	109,716	114,370	19,076	73,099	533,613

## TABULAR STATEMENT—Continued.

COUNTIES	Pleasure Carriages		Watches		Pianos		Value of General Articles		Value of Merchants' Stock		Value of Manufacturers' Stock		Value of Mortgages and Real Estate		Total value of Personal Property	
	No.	Value.	No.	Value	No.	Value	No.	Value	No.	Value	No.	Value	No.	Value	No.	Value
Madison - - -	270	\$11,256	295	\$3,945	6	\$1,075		\$6,777	\$55,150	\$13,057	\$107,853	\$845,434				
Mahoning - -	1,390	42,590	692	6,518	14	1,193		16,782	107,906	40,091	348,262	997,556				
Marion - - -	265	11,764	401	4,332	6	875		11,544	75,111	12,092	108,914	590,796				
Medina - - -	625	21,079	677	5,586	5	355		10,128	60,204	15,552	123,589	595,380				
Meigs - - - -	199	8,036	332	3,285	3	150		38,656	52,814	20,277	121,532	407,063				
Mercer - - - -	33	1,226	281	1,651	2	250		11,150	21,576	15,811	31,914	206,145				
Miami - - - -	707	33,217	965	10,704	14	1,795		34,623	168,500	47,813	426,148	1,087,303				
Monroe - - - -	115	3,949	377	2,760	1	75		7,734	65,168	9,390	109,176	419,148				
Montgomery	1,304	79,192	1,901	26,067	73	9,702		111,232	432,071	172,118	1,119,833	2,198,235				
Morgan - - - -	345	15,036	693	7,201	2	325		18,432	102,719	36,010	251,429	792,179				
Muskingum -	887	41,235	1,670	25,613	80	11,881		207,830	395,118	155,933	1,395,092	2,816,694				
Ottawa - - -	20	765	85	753	2	260		3,686	10,228	1,045	8,223	77,100				
Paulding - -	2	50	31	250	-	-		520	9,685	398	2,312	23,971				
Perry - - - -	363	15,431	521	4,578	10	1,070		16,295	48,556	16,178	172,243	567,493				
Pickaway - - -	601	31,038	794	12,028	29	3,880		26,653	159,875	30,719	443,116	1,343,790				
Pike - - - -	84	4,389	179	2,120	3	650		9,104	32,088	17,995	128,353	370,887				
Portage - - - -	1,594	59,089	1,053	10,765	12	1,120		31,016	116,008	27,496	326,557	1,122,150				
Preble - - - -	717	38,692	787	7,850	2	150		17,132	110,593	40,524	402,279	1,151,150				
Putnam - - - -	37	1,274	183	1,286	-	-		2,327	18,037	2,535	26,450	166,725				
Richland - - -	810	31,401	1,040	6,936	14	2,030		27,088	134,750	27,184	300,432	1,019,456				

Ross -----	796	46,376	1,119	21,460	59	8,918	77,059	357,576	70,184	922,870	2,227,239
Sandusky ----	198	7,895	447	4,265	2	275	18,113	52,661	15,941	110,683	419,142
Scioto -----	175	9,311	566	9,592	23	3,123	78,038	186,301	68,812	302,669	871,876
Seneca -----	448	19,477	859	9,000	17	2,300	27,644	136,762	32,591	276,257	911,992
Shelby -----	184	7,665	407	3,647	2	350	13,553	43,166	11,905	117,731	378,447
Stark - -----	1,934	74,449	2,334	19,448	59	6,481	87,162	359,952	91,813	566,739	1,810,975
Summit -----	1,211	46,264	1,046	14,522	22	2,238	65,042	177,195	86,289	336,958	1,133,319
Trumbull ----	2,183	56,936	872	10,796	16	2,020	32,818	141,132	35,418	543,697	1,443,476
Tuscarawas --	614	23,803	808	7,616	20	1,478	42,286	102,590	53,848	304,227	928,065
Union -----	76	6,667	200	1,528	---	---	999	25,168	4,745	56,763	307,621
Vanwert -----	8	435	69	484	---	---	1,432	7,357	776	8,348	60,103
Warren -----	1,049	58,201	1,196	15,194	15	2,850	25,055	158,579	46,314	861,844	1,726,241
Washington --	398	19,271	820	11,324	9	1,715	33,626	153,468	46,764	386,197	932,348
Wayne -----	1,255	46,169	1,190	10,167	10	1,335	25,222	116,426	50,937	480,484	1,256,365
Williams -----	19	565	133	957	---	---	1,355	10,692	2,217	17,080	105,626
Wood -----	64	2,160	220	2,382	5	420	5,291	19,427	2,552	21,727	177,529
Wyandott ----	158	6,220	310	2,330	---	---	8,206	45,061	6,374	60,337	297,054
Totals -----	46,759	2,066,237	59,341	771,204	1,824	228,023	3,864,612	13,241,887	3,948,873	26,650,779	79,876,703
Add amount assessed upon rents in Hamilton county -----											
" amount of joint stock companies not included in the above -----											
" amount of 50 per cent. penalty, and corrections made upon the duplicates by county auditors -----											
Total value of personal property upon the duplicate -----											
<u>83,964,430</u>											

Add amount assessed upon rents in Hamilton county -----

" amount of joint stock companies not included in the above -----

" amount of 50 per cent. penalty, and corrections made upon the duplicates by county auditors -----

Total value of personal property upon the duplicate -----

83,964,430

**TABULAR STATEMENT** showing the amount of capital stock paid in and remaining as stock in each of the Banks of this State, the average amount of capital stock during the year, the amount of taxes paid by each of the Banks, and the tax paid per annum on each dollar of bank stock during the year ending November 15, 1847.

NAMES OF BANKS.	Capital Stock paid in.	Average amount of Capital Stock during the past year.	Tax paid per annum on each dol'r of Bank Stock.	State tax paid during the last 12 months.
INDEPENDENT BANKS.				
Bank of Geauga-----	\$30,000 00	\$30,000 00	Mills. 8.89	\$286 04
Canal Bank of Cleveland-----	40,000 00	30,000 00	-----	-----
City Bank of Columbus-----	95,620 00	92,115 83	12.69	1,169 34
City Bank of Cincinnati-----	49,800 00	49,800 00	2.83	140 97
City Bank of Cleveland-----	50,000 00	46,000 00	3.1	144 78
Commercial Bank of Cincinnati-----	50,000 00	50,000 00	9.67	483 98
Dayton Bank-----	66,300 00	64,375 00	12.78	865 78
Franklin Bank of Zanesville-----	31,600 00	-----	-----	-----
Sandusky City Bank-----	40,000 00	30,000 00	9.1	273 02
Western Reserve Bank-----	35,000 00	34,585 00	10.81	374 09
Total of Independent Banks-----	\$489,320 00	\$428,875 83	9.7	\$3,717 90
BRANCHES OF STATE BANK.				
Akron Branch-----	\$100,000 00	\$100,000 00	9.93	\$993 46
Chillicothe Branch-----	178,410 18	137,208 72	10.57	1,450 94
Commercial Branch, Cleveland-----	162,500 00	135,770 00	11.54	1,567 96
Commercial Branch, Toledo-----	120,000 00	106,333 33	9.78	1,060 10

Dayton Branch	122,270 00	104,838 50	9.68	1,014 78
Delaware County Branch	82,447 00	75,484 00	10.14	765 50
Exchange Branch	125,000 00	112,500 00	9.43	1,061 60
Farmers' Branch, Salem	60,060 00	54,580 00	7.57	413 36
Farmers' Branch, Mansfield	40,320 00	7,500 00	5.32	40 05
Farmers' Branch, Ripley	42,593 00			4 92
Franklin Branch, Columbus	175,000 00	157,943 00	9.12	1,441 33
Franklin Branch, Cincinnati	169,000 00	161,958 00	8.67	1,405 50
Hocking Valley Branch	64,320 00	39,434 41	10.76	424 64
Jefferson Branch	90,420 00	73,447 00	8.49	624 24
Lorain Branch	36,945 00	7,509 00	5.88	44 18
Mad River Valley Branch	88,355 00	48,483 45	12.83	622 16
Marietta Branch	60,000 00	60,000 00	11.47	688 57
Mechanics' and Traders' Branch	84,300 00	64,800 00	1.96	127 38
Merchants' Branch, Cleveland	106,580 00	90,762 00	12.52	1,136 44
Miami County Branch, Troy	51,935 00	27,458 00	5.52	151 55
Mt. Pleasant Branch, Mt. Pleasant	30,000 00			
Norwalk Branch	50,000 00	17,083 00	9.52	162 68
Piqua Branch	51,992 00	22,365 00	9.57	214 08
Preble County Branch, Eaton	32,680 00			
Portsmouth Branch, Portsmouth	51,500 00	27,812 00	12.28	341 76
Ross County Branch, Chillicothe	106,210 00	50,228 86	10.96	650 58
Summit County Branch, Cuyahoga Falls	100,000 00	100,000 00	10.76	1,076 73
Toledo Branch, Toledo	125,500 00	108,562 50	11.86	650 67
Xenia Branch, Xenia	149,250 00	124,625 00	9.31	1,161 09
Total of State Branches	\$2,657,567 18	\$2,018,686 77	9.65	\$19,496 25

# STATEMENT — Continued.

NAMES OF BANKS.	Capital Stock paid in.	Average amount of Capital Stock during the past year.	Tax paid per annum on each dol'r of Bank Stock.	State tax paid during the last 12 months.
OLD BANKS.				
Bank of Circleville-----	\$200,000 00	\$200,000 00	7.1	\$1,500 00
Bank of Massillon-----	200,000 00	200,000 00	3.5	700 00
Bank of Norwalk-----	200,000 00	200,000 00	3.0	600 00
Bank of Wooster-----	249,450 00	249,450 00	6.0	†2,215 05
Bank of Sandusky-----	100,000 00	100,000 00	-----	-----
Clinton Bank of Columbus-----	300,000 00	300,000 00	5.0	1,500 00
Lafayette Bank of Cincinnati-----	700,000 00	700,000 00	4.0	2,800 00
*Ohio Life Insurance and Trust Company-----	611,226 00	2,000,000 00	4.0	8,000 00
Total of Old Banks-----	\$2,560,676 00	\$3,949,450 00	4.2	\$17,345 05
Total of all the Banks-----	\$5,708,563 18	\$6,395,011 60	6.22	\$40,559 20

\*The capital stock of the Ohio Life Insurance and Trust Company is \$2,000,000, the banking capital being amount of permanent deposits or loans to the company, is, as stated, \$611,226.  
†\$748 35 included in this sum was reported to the Auditor of State's office in the year 1846, and paid in 1847. The tax paid per annum on each dollar of bank stock is calculated on \$1,496 70, the amount set apart to the State in the year 1847.



STATEMENT of Stocks held by the State, and by Individuals, in Turnpike Companies; and the Stocks held by the State in Railroad and Canal Companies; and the dividends paid to the State, during the year ending on the 15th November, 1847.

51

TURNPIKE STOCKS AND DIVIDENDS.

Name of Company.	Stock held by the State.	Stock held by Individuals.	Total amount of Stock.	Dividends paid to the State.
Batavia Turnpike and Miami Bridge Company-----	\$30,250 00	\$30,750 00	\$61,000 00	\$274 66
Cincinnati and Harrison Turnpike Company-----	86,050 00	86,050 00	172,100 00	2,581 50
Cincinnati and Hamilton Turnpike Company-----	44,850 00	51,637 50	96,487 50	-----
Cincinnati, Columbus and Wooster Turnpike Company-----	75,800 00	75,800 00	151,600 00	6,822 00
Cincinnati, Lebanon and Springfield Turnpike Company-----	178,650 00	197,042 26	375,692 26	3,573 00
Cincinnati, Montgomery, Hopkinstown, Rochester and Clarksville Turnpike Company-----	52,400 00	51,508 34	103,908 34	-----
Circleville and Washington Turnpike Company-----	71,905 00	85,385 00	157,290 00	-----
Colerain, Oxford and Brookville Turnpike Company-----	85,775 47	85,464 45	171,239 92	3,431 02
Dayton and Springfield Turnpike Company-----	55,450 00	55,450 00	110,900 00	2,218 00
Dayton and Covington Turnpike Company-----	31,480 09	34,160 13	65,640 22	-----
Dayton, Centreville and Lebanon Turnpike Company-----	49,557 37	49,557 37	99,114 74	989 00
Dayton Western Turnpike Company-----	66,900 00	58,176 04	125,076 04	847 91
Great Miami Turnpike Road Company-----	92,835 24	57,199 89	140,035 13	1,610 85
Goshen, Wilmington and Columbus Turnpike Company, Hamilton, Springfield and Carthage Turnpike Company-----	102,725 00	119,050 00	221,775 00	-----
Hamilton, Rossville, Darlington, Oxford and Fairhaven Turnpike Company-----	38,450 00	39,350 00	72,800 00	961 58
Turnpike Company-----	49,742 20	59,944 23	109,686 43	1,665 49

## TURNPIKE STOCK AND DIVIDENDS—Continued.

Name of Company.	Stock held by the State.	Stock held by Individuals.	Total amount of Stock.	Dividends paid to the State.
Hamilton, Rossville, Summerville, Newcomb and Eaton } Turnpike Company -----	\$49,925 00	\$50,100 00	\$100,025 00	\$7,488 75
Marietta and Newport Turnpike Company -----	14,724 97	14,857 06	29,582 02	-----
Milford and Chillicothe Turnpike Company -----	172,000 00	163,000 00	335,000 00	-----
Ohio Turnpike Company -----	55,000 00	50,120 74	105,120 74	184 34
Portsmouth and Columbus Turnpike Company -----	76,369 87	85,192 03	161,561 90	-----
Ripley and Hillsborough Turnpike Company -----	50,575 00	50,575 00	101,150 00	-----
Steubenville, Cadiz and Cambridge Turnpike Company -----	39,694 20	46,896 35	86,590 55	-----
Urbana, Troy and Greenville Turnpike Company -----	28,416 30	12,869 03	41,285 33	-----
Zanesville and Maysville Turnpike Company -----	292,850 00	303,408 95	596,258 95	-----
Jefferson, South Charleston and Xenia Turnpike Company	42,300 00	40,729 85	83,029 85	-----
Amount Turnpike Stock held by State -----	\$1,921,675 71	\$1,956,273 70	\$3,877,949 41	\$32,648 10
Amount Turnpike Stock held by individuals -----	-----	-----	-----	-----
Total amount of Turnpike Stock -----	-----	-----	-----	-----
Amount of dividends -----	-----	-----	-----	-----

## RAILROAD STOCKS.

Mad River and Lake Erie Railroad-----	\$283,050 00
Mansfield and Sandusky City Railroad-----	33,333 00
Little Miami Railroad -- Stock originally issued to the State-----	\$121,900 00
Amount of dividends made in stock, 1844, 1845 and 1846-----	14,554 06
	<hr/>
Amount of Railroad Stocks held by the State-----	\$462,937 06
	<hr/>

## CANAL STOCKS AND DIVIDENDS.

Cincinnati and Whitewater Canal-----	\$150,000 00
Pennsylvania and Ohio Canal-----	420,000 00
	<hr/>
Amount of Canal Stocks-----	\$570,000 00
	<hr/>
Amount of dividends on Canal Stock-----	4,200 00
	<hr/>
Amount of Turnpike, Railway and Canal Stocks held by the State-----	\$2,954,912 77
	<hr/>
Amount of dividends-----	\$36,848 10
	<hr/>

The stock paid by the State to the Milan Canal Company, has been sold to the Company.

STATEMENT of money paid for school purposes to the several counties, showing the amount of Special Funds, of Common School Funds, and the aggregate amount paid to each county during the year ending 15th November, 1847.

County	Comm'n School F'nd.	Special Fund.	Total.
Adams -----	\$2,019 93 0	\$868 96 7	\$2,888 91 7
Allen -----	1,506 09 9	41 71 4	1,547 81 3
Ashland -----	2,764 06 0	1,101 85 6	3,865 41 6
Ashtabula -----	2,826 37 0	913 94 0	3,740 31 0
Athens -----	2,434 40 7	439 07 4	2,873 48 1
Belmont -----	3,707 74 0	719 64 8	4,427 38 8
Brown -----	2,861 78 0	1,231 15 4	4,092 93 4
Butler -----	2,733 32 0	3,974 94 2	6,707 36 2
Carroll -----	2,317 75 0	455 74 0	2,773 49 0
Champaign -----	2,171 45 0	1,139 53 8	3,310 98 8
Clark -----	2,147 84 0	1,335 28 7	3,483 12 7
Clermont -----	3,135 99 0	1,349 12 1	4,485 11 1
Clinton -----	2,025 42 0	871 35 0	2,896 77 0
Columbiana -----	3,705 27 0	2,136 03 7	5,841 30 7
Coshocton -----	2,799 74 7	846 12 0	3,645 86 7
Crawford -----	2,050 95 0	491 05 0	2,542 00 0
Cuyahoga -----	3,746 17 0	1,211 36 5	4,957 53 5
Darke -----	2,039 69 8	474 48 9	2,519 18 7
Defiance -----	469 36 9	90 59 4	559 96 3
Delaware -----	3,335 81 6	1,053 65 8	4,389 47 4
Erie -----	1,581 85 7	511 51 0	2,093 36 7
Fairfield -----	4,127 25 7	2,732 01 1	6,859 26 8
Fayette -----	1,379 28 7	593 38 7	1,972 67 4
Franklin -----	3,146 14 7	1,102 96 1	4,249 10 8
Gallia -----	1,766 58 0	196 78 2	1,963 36 2
Genuga -----	1,952 13 7	631 24 6	2,583 38 3
Greene -----	2,313 06 0	652 14 5	2,965 14 5
Guernsey -----	3,696 21 0	1,132 57 4	4,828 78 4
Hamilton -----	9,969 29 0	5,054 69 9	15,023 98 9
Hancock -----	1,666 67 0	513 34 4	2,180 01 4
Hardin -----	746 59 9	98 32 7	844 92 6
Harrison -----	2,299 90 9	1,575 27 0	3,875 17 9
Henry -----	276 40 6	-----	276 40 6
Highland -----	2,695 44 0	1,159 59 4	3,855 03 4
Hocking -----	1,574 72 0	326 18 2	1,900 90 2
Holmes -----	2,442 09 0	1,004 38 5	3,446 47 5
Huron -----	2,673 48 0	864 50 0	3,537 98 0
Jackson -----	1,529 15 0	224 56 3	1,753 71 3
Jefferson -----	2,915 30 0	2,932 24 0	5,847 54 0
Knox -----	3,777 18 8	1,139 54 1	4,916 72 9
Lake -----	1,539 31 0	497 75 0	2,037 06 0

## STATEMENT—Continued.

Counties.	Comm'n School F'nd.	Special Fund.	Total.
Lawrence -----	\$1,450 37 8	\$164 78 4	\$1,615 16 2
Licking -----	4,560 84 0	1,387 80 4	5,948 64 4
Logan -----	1,907 39 6	812 61 5	2,720 01 1
Lorain -----	2,431 66 0	786 30 7	3,217 96 7
Lucas -----	1,476 45 0	18 15 0	1,494 60 0
Madison -----	1,181 10 8	506 12 0	1,689 22 8
Mahoning -----	2,646 03 0	1,290 36 3	3,936 39 3
Marion -----	1,914 25 8	462 00 8	2,376 26 6
Medina -----	2,513 45 9	812 75 7	3,326 21 6
Meigs -----	1,786 34 8	329 33 0	2,115 67 8
Mercer -----	954 38 0	-----	954 38 0
Miami -----	2,669 91 0	1,570 78 9	4,240 69 9
Monroe -----	3,143 95 0	319 58 3	3,463 53 3
Montgomery -----	3,978 93 0	3,813 01 2	7,791 94 2
Morgan -----	3,259 78 0	648 40 0	3,908 18 0
Muskingum -----	4,766 15 0	1,498 07 8	6,264 32 8
Ottawa -----	330 75 0	21 27 0	352 02 0
Paulding -----	122 69 0	-----	122 69 0
Perry -----	2,510 16 0	806 73 0	3,316 89 0
Pickaway -----	2,335 31 8	3,148 20 5	5,483 52 3
Pike -----	1,014 49 6	289 07 3	1,303 56 9
Portage -----	2,739 63 0	885 89 0	3,625 52 0
Preble -----	2,459 93 0	3,044 77 3	5,504 70 3
Putnam -----	949 44 0	196 08 1	1,145 52 1
Richland -----	3,992 38 0	2,410 40 9	6,402 78 9
Ross -----	3,237 55 0	2,029 43 3	5,266 98 3
Sandusky -----	1,610 40 0	250 48 7	1,860 88 7
Scioto -----	1,856 49 0	195 31 4	2,051 80 4
Seneca -----	2,791 51 0	1,128 43 2	3,919 94 2
Shelby -----	1,458 06 0	360 89 4	1,818 95 4
Stark -----	4,390 66 0	3,328 10 8	7,718 76 8
Summit -----	2,926 01 0	1,408 29 1	4,334 30 1
Trumbull -----	3,333 34 8	1,077 87 7	4,411 22 5
Tuscarawas -----	3,527 40 6	1,137 83 9	4,665 24 5
Union -----	1,321 09 6	568 34 3	1,889 43 9
Vanwert -----	351 61 0	-----	351 61 0
Warren -----	2,669 91 0	2,698 49 2	5,368 40 2
Washington -----	2,804 13 8	794 73 5	3,598 87 3
Wayne -----	3,774 16 8	4,179 03 6	7,953 20 4
Williams -----	676 88 0	6 86 2	683 74 2
Wood -----	924 46 0	5 92 3	930 38 3
Wyandott -----	1,037 55 0	147 02 0	1,184 57 0
Totals -----	\$200,654 35 0	\$88,223 81 2	\$288,878 16 2

*STATEMENT of Canal Lands sold at the Land Offices at Lima and Perrysburg, from the 1st of September, 1846, to the 1st of December, 1847.*

Date.	Where sold, and of what Lands.	Acres.	Av. pr. Acre.	Am't Received.
1846.	<i>At Lima.</i>		D. C. M.	
Dec. 1,	Miami Canal Lands, } for the Qr. ending }	1,092.65	1 18 7	\$1,983 87
1847.				
March 1,	" " 1st qr.--	2,093.63	1 58 0	3,307 46
June 1,	" " 2d qr.--	8,523.28	1 49 7	12,764 94
Sept. 1,	" " 3d qr.--	6,720.04	1 51 2	10,166 86
Dec. 1,	" " 4th qr.--	5,624.58	1 54 5	8,693 87
		24,054.18	1 53 5	\$36,917 02
1846.				
Dec. 1,	Wabash & E. Lands, } for the Qr. ending }	1,906.70	1 58 2	\$3,015 76
1847.				
March 1,	" " 1st qr.--	360.00	1 38 8	500 00
June 1,	" " 2d qr.--	3,015.89	1 12 6	3,597 41
Sept. 1,	" " 3d qr.--	4,614.24	1 26 6	5,845 75
Dec. 1,	" " 4th qr.--	12,168.81	1 14 4	13,928 33
		22,063.64	1 21 4	\$26,887 25
March 1,	Ohio C. Lands—1st qr.	119.61	1 11 9	\$133 17
June 1,	" " 2d qr.	159.27	94 2	149 87
		278.88	1 01 8	\$283 04
1846.	<i>At Perrysburg.</i>			
Dec. 1,	Wabash & E. Lands, } for the Qr. ending }	489.95	1 66 6	\$814 92
1847.				
March 1,	" " 1st qr.--	489.83	1 80 8	884 57
June 1,	" " 2d qr.--	1,704.36	1 62 8	2,774 69
Sept. 1,	" " 3d qr.--	1,889.17	2 61 0	4,930 73
Nov. 15,	" " 4th qr.--	2,880.00	1 20 4	3,470 60
		7,453.31	1 72 0	\$12,875 50

## RECAPITULATION.

Where sold, and of what Lands.	Acres.	Av. pr. Acre.	Receipts.
<i>At the Lima Office.</i>			
		D. C. M.	
Miami Canal Lands -----	24,054.18	-----	\$36,917 02
Wabash and Erie " -----	22,063.64	-----	26,887 25
Ohio Canal " -----	278.88	-----	283 04
	46,396.70	1 38 1	\$64,087 31
<i>At the Perrysburg Office.</i>			
Wabash and Erie Lands -----	7,453.31	1 72 0	12,875 50
Total -----	53,850.01	1 42 9	\$76,962 81
LANDS REMAINING UNSOLD:			
<i>At Lima.</i>			
Miami Canal Lands -----	94,672.73	-----	-----
Wabash and Erie " -----	100,738.14	-----	-----
Ohio Canal, or 500,000 acre grant -----	1,283.59	-----	-----
	A. 196,694.46	-----	-----
<i>At Perrysburg.</i>			
Wabash and Erie Lands -----	21,624.95	-----	-----
Ohio Canal, or 500,000 acre grant -----	918.30	-----	-----
	A. 22,543.25	-----	-----
Total -----	A. 219,237.71	-----	-----

NOTE.—The statement of Lands remaining unsold is taken from the report of J. W. Riley, Esq., who was employed by the Governor to ascertain the situation of the Canal Lands of the State.

It is believed that the State is entitled to an additional quantity of Canal Lands.

*Statement of Tolls, Water Rents and Fines, collected at the several Offices on the Ohio*

Name of Canal and Office.	Fines Collected.	Water Rents Collected.	Tolls Collected.	Total Amount Collected.
<i>Ohio Canal.</i>				
Cleveland -----	\$25 45	\$357 50	\$6,345 55	\$6,728 50
Akron -----			3,583 84	3,583 84
Massillon -----		300 00	2,261 12	2,561 12
Dover -----			1,454 17	1,454 17
Roscoe -----		487 50	875 25	1,362 75
Dresden -----			957 51	957 51
Newark -----	31 00	120 00	3,108 08	3,259 08
Carroll -----			2,415 40	2,415 40
Columbus -----	5 00	375 00	1,834 85	2,214 85
Circleville -----		500 00	5,124 34	5,624 34
Chillicothe -----	31 00	475 00	8,462 86	8,968 86
Portsmouth -----		197 64	7,368 87	7,566 51
	92 45	2,812 64	43,791 84	46,696 93
<i>Miami Canal.</i>				
Cincinnati -----	30 00	4,269 60	6,452 31	10,751 91
Hamilton -----			511 87	511 87
Middletown -----	25 00	150 00	3,217 46	3,392 46
Dayton -----		1,105 00	8,773 41	9,878 41
	55 00	5,524 60	18,955 05	24,534 65
<i>Miami Ex. Canal.</i>				
Dayton -----		176 50	719 80	896 30
Piqua -----			4,254 24	4,254 24
Junction -----			2,221 56	2,221 56
	----	176 50	7,195 60	7,372 10
<i>W. &amp; Erie Canal.</i>				
Junction -----			1,724 24	1,724 24
Maumee City -----			92 09	92 09
Toledo -----	30 00		3,486 69	3,516 69
	30 00	-----	5,303 02	5,339 02
<i>Musk. Improvem't.</i>				
Dresden -----			923 32	923 32
Zanesville -----		550 00	7,104 27	7,654 27
McConnelsville -----			1,762 28	1,762 28
Harmar -----		180 00	2,479 77	2,659 77
	----	730 00	12,269 64	12,999 64
<i>Hocking Canal.</i>				
Carroll -----			374 47	374 47
Nelsonville -----			645 07	645 07
	----	-----	1,019 54	1,019 54
<i>Walhond'g Canal.</i>				
Roscoe -----	----	66 50	75 59	142 09
Total -----	177 45	9,310 24	88,610 28	98,097 97



*Canals, and paid into the State Treasury, during the Quarter ending Feb'y 15, 1847.*

Tolls Re- funded.	Salary, Of- fice rent and Clerk hire.	Post- age.	Incidental Expenses.	Inspect'rs' Salary.	Amount paid into Treasury.	Total Amount.
\$9 47	\$500 00	\$ --	\$ 75	100 00	\$6,158 15	\$6,766 37
37	64 58	---	43 46	29 17	3,446 26	3,583 84
-----	43 75	---	37	-----	2,649 74	2,693 86
4 23	43 75	---	-----	-----	1,406 19	1,454 17
4 79	35 42	---	-----	-----	1,322 54	1,362 75
51	37 50	---	-----	-----	1,699 50	1,737 51
107 24	124 98	---	-----	-----	3,026 86	3,259 08
13 79	100 01	---	-----	-----	2,301 60	2,415 40
6 26	116 68	---	9 23	-----	2,082 68	2,214 85
110 61	124 99	---	-----	-----	5,388 74	5,624 34
11 01	124 98	---	-----	-----	8,832 87	8,968 86
36 89	166 50	---	-----	100 00	7,263 12	7,566 51
305 17	1483 14	--	53 81	229 17	45,576 25	47,647 54
44 65	225 00	2 20	95 70	99 99	10,284 37	10,751 91
-----	25 00	---	-----	-----	768 30	793 30
-----	124 98	---	-----	-----	3,267 48	3,392 46
5 26	162 33	---	2 00	-----	9,708 91	9,878 50
49 91	537 31	2 20	97 70	99 99	24,029 06	24,816 17
-----	-----	---	-----	-----	896 30	896 30
23 56	100 02	---	8 18	-----	4,122 48	4,254 24
-----	58 33	---	-----	-----	2,163 23	2,221 56
23 56	158 35	--	8 18	-----	7,182 01	7,372 10
1 00	-----	---	-----	-----	1,723 24	1,724 24
-----	50 00	---	-----	-----	-----	50 00
44	-----	---	-----	-----	3,516 25	3,516 69
1 44	50 00	--	-----	-----	5,239 49	5,290 93
38	-----	---	-----	-----	923 54	923 92
7 30	112 50	---	-----	-----	7,534 47	7,654 27
2 24	75 00	1 50	25	-----	1,683 29	1,762 28
2 24	87 56	1 25	-----	-----	2,568 72	2,659 77
12 16	275 06	2 75	25	----	12,710 02	13,000 24
4 21	24 99	---	-----	-----	345 27	374 47
8 19	45 84	---	-----	-----	842 05	896 08
12 40	70 83	--	-----	-----	1,187 32	1,270 55
-----	-----	---	-----	-----	142 09	142 09
404 64	2574 69	4 95	159 94	329 16	96,066 24	99,539 62

## Statement of Tolls, Water Rents and Fines, collected at the several Offices on the

Name of Canal and Office.	Fines Collected.	Water Rents Collected.	Tolls Collected.	Total Amount Collected.
<i>Ohio Canal.</i>				
Cleveland -----	\$45 00	\$30 00	\$3,196 53	\$3,271 53
Akron -----		55 00	8,540 62	8,595 62
Massillon -----			9,321 92	9,321 92
Dover -----	10 00		5,978 90	5,988 90
Roscoe -----	25 00	346 75	3,594 19	3,965 94
Dresden -----			4,825 40	4,825 40
Newark -----			7,558 75	7,558 75
Carroll -----			2,121 06	2,121 06
Columbus -----	6 00		2,553 49	2,559 49
Circleville -----	1 50		3,407 94	3,409 44
Chillicothe -----	51 00	250 00	5,092 39	5,393 39
Portsmouth -----			6,569 02	6,569 02
	138 50	681 75	62,760 21	63,580 46
<i>Miami Canal.</i>				
Cincinnati -----	93 00	112 00	8,850 60	9,055 60
Hamilton -----			2,844 31	2,844 31
Middletown -----			6,144 79	6,144 79
Dayton -----			9,810 64	9,810 64
	93 00	112 00	27,650 84	27,855 34
<i>Miami Ex. Canal.</i>				
Dayton -----			551 81	551 81
Piqua -----		200 00	4,522 64	4,722 64
Junction -----		150 00	5,957 98	6,107 98
		350 00	11,032 43	11,382 43
<i>W. &amp; Erie Canal.</i>				
Junction -----				
Maumee City -----		62 50	1,137 16	1,199 66
Toledo -----	5 00	312 50	2,105 21	2,422 71
	5 00	375 00	3,242 37	3,622 37
<i>Musk. Improvem't.</i>				
Dresden -----			1,136 58	1,136 58
Zanesville -----		625 00	6,152 18	6,777 18
McConnelsville -----			1,541 02	1,541 02
Harmar -----		234 00	4,983 14	5,217 14
		859 00	13,812 92	14,671 92
<i>Hocking Canal.</i>				
Carroll -----			308 02	308 02
Nelsonville -----			445 63	445 63
			753 65	753 65
<i>Walhond'g Canal.</i>				
Roscoe -----	5 00		230 00	235 00
Total -----	241 50	2,377 75	119,481 92	122,101 17

*Ohio Canals, and paid into the State Treasury, during the Quarter ending May 15, 1867*

Tolls Re- funded.	Salary, Of- fice rent and Clerk hire.	Post- age.	Incidental Expenses.	Inspect'r's Salary.	Amount paid into Treasury.	Total Amount.
\$24 97	\$200 00	\$ 60	\$ ----	100 00	\$2,908 09	\$3,233 66
3 51	322 90	26	14 24	150 01	8,094 70	8,585 62
-----	220 83	1 10	6 01	-----	9,088 93	9,316 87
-----	220 84	1 25	25	-----	5,766 56	5,988 90
18 22	177 09	-----	-----	-----	3,788 63	3,983 94
30 77	187 50	-----	-----	-----	3,827 13	4,045 40
-----	127 06	-----	-----	-----	7,431 69	7,558 75
41 66	100 00	-----	-----	-----	2,974 56	3,116 22
-----	60 42	-----	40 40	-----	2,458 67	2,559 49
-----	124 98	-----	-----	-----	3,284 46	3,409 44
22 96	124 98	65	2 14	-----	5,242 66	5,393 39
11 18	166 50	-----	-----	100 00	6,291 34	6,569 02
153 27	2033 10	3 86	63 04	350 01	61,157 42	63,760 70
24 12	239 59	-----	123 47	108 33	8,560 09	9,055 60
30	100 00	-----	-----	-----	2,744 01	2,844 31
-----	124 98	-----	-----	-----	6,019 81	6,144 79
3 95	166 49	25	16 97	-----	9,621 39	9,809 05
28 37	631 06	25	140 44	108 33	26,945 30	27,853 75
-----	-----	-----	-----	-----	551 81	551 81
4 90	100 00	-----	-----	-----	4,617 74	4,722 64
50	297 91	25	5 43	-----	4,252 23	4,556 32
5 40	397 91	25	5 43	---	9,421 78	9,830 77
-----	-----	-----	-----	-----	1,549 41	1,549 41
-----	300 00	-----	12 47	-----	984 28	1,296 75
29 15	495 83	-----	81 43	200 02	1,613 40	2,419 83
29 15	795 83	--	93 90	200 02	4,147 09	5,265 99
67	-----	-----	-----	-----	1,136 91	1,136 58
3 49	112 50	15	1 00	-----	6,660 04	6,777 18
97	50 00	1 15	-----	-----	1,463 90	1,516 02
-----	87 49	1 36	1 97	-----	5,125 57	5,216 39
5 13	249 99	2 66	2 97	---	14,385 42	14,646 17
4 17	24 99	-----	-----	-----	278 86	308 02
44	81 26	3 03	-----	-----	205 06	289 79
4 61	106 25	3 03	---	---	483 92	597 81
-----	50 00	-----	-----	-----	185 00	235 00
225 93	4264 14	10 05	305 78	658 36	116,725 93	122,190 19

## Statement of Tolls, Water Rents, and Fines, collected at the several offices on the Ohio

Name of Canal and Office.	Fines Collected.	Water Rents Collected.	Tolls Collected.	Total Amount Collected.
<i>Ohio Canal.</i>				
Cleveland -----	\$175 47	\$357 50	\$28,171 35	\$28,704 32
Akron -----	8 00		23,363 16	23,366 16
Massillon -----		187 50	28,153 32	28,340 82
Dover -----	25 00	200 00	19,217 19	19,442 19
Roscoe -----	7 00	1,212 50	15,674 20	16,893 70
Dresden -----			18,409 54	18,409 54
Newark -----	31 00		27,830 67	27,861 67
Carroll -----	15 00		22,846 08	22,861 08
Columbus -----			7,895 09	7,895 09
Circleville -----	3 00	400 00	8,949 37	9,352 37
Chillicothe -----	1 00	1,094 31	8,691 80	9,787 11
Portsmouth -----	20 06	145 05	6,616 79	6,781 90
	280 53	3,596 86	215,818 56	219,695 95
<i>Miami Canal.</i>				
Cincinnati -----	25 00	6,363 23	17,433 45	23,821 68
Hamilton -----			2,446 91	2,446 91
Middletown -----		150 00	3,467 68	3,617 08
Dayton -----		795 00	7,578 80	8,373 80
	25 00	7,308 23	30,926 84	38,260 07
<i>Miami Ex. Canal.</i>				
Dayton -----			1,519 84	1,519 84
Piqua -----		76 00	7,970 02	8,046 02
Junction -----	120 00	56 82	34,697 14	34,873 96
	120 00	132 82	44,187 00	44,439 82
<i>W. &amp; Erie Canal.</i>				
Junction -----				
Maumee City -----	10 00	795 20	1,495 67	2,300 87
Toledo -----	154 08		23,889 99	24,044 07
	164 08	795 20	25,385 66	26,344 94
<i>Musk. Improvem't.</i>				
Dresden -----			373 20	373 20
Zanesville -----		1,495 00	4,859 23	6,354 23
McConnellsville -----			1,611 69	1,611 69
Harmar -----		618 91	3,145 38	3,764 29
		2,113 91	9,989 50	12,103 41
<i>Hocking Canal.</i>				
Carroll -----		200 00	1,258 84	1,458 84
Nelsonville -----	5 00		1,139 17	1,144 17
	5 00	200 00	2,398 01	2,603 01
<i>Walhond'g Canal.</i>				
Roscoe -----		66 50	1,541 05	1,607 55
Total -----	594 61	14,213 52	330,246 62	345,054 75

*Canals, and paid into the State Treasury during the quarter ending August 15, 1847.*

Tolls Re- funded.	Salary, Of- fice rent and Clerk hire.	Post- age.	Incidental Expenses.	Inspector's Salary.	Amount paid into Treasury.	Total Amount.
\$267 57	\$500 00	\$ 20	\$7 64	\$100 00	\$27,828 91	\$28,704 32
4 55	193 74	05	36	100 00	23,067 46	23,366 16
17 86	91 66	3 10	6 00	-----	28,222 20	28,340 82
75	137 50	-----	-----	-----	19,303 94	19,442 19
8 24	106 26	-----	-----	-----	16,761 20	16,875 70
31	120 80	-----	-----	-----	18,288 43	18,409 54
73	131 22	05	-----	-----	27,729 58	27,861 59
2 15	66 67	-----	-----	-----	22,792 26	22,861 06
8 25	93 75	-----	15 75	-----	7,777 34	7,895 09
3 51	125 00	-----	-----	-----	9,223 86	9,352 37
2 49	124 98	-----	-----	-----	9,659 64	9,787 11
19 81	166 50	-----	-----	100 00	6,495 59	6,781 90
336 22	1858 08	3 40	29 75	300 00	217,150 41	219,677 86
135 50	89 59	-----	67 82	41 67	23,487 10	23,821 68
-----	75 00	-----	-----	-----	2,357 68	2,432 69
1 96	128 46	-----	-----	-----	3,487 26	3,617 68
6 95	174 99	-----	-----	-----	8,193 36	8,375 30
144 41	468 04	-----	67 82	41 67	37,525 40	38,247 34
-----	-----	-----	-----	-----	1,519 84	1,519 84
15 17	133 36	-----	-----	-----	7,897 49	8,046 02
30 75	193 74	-----	69 48	-----	34,424 99	34,718 96
45 92	327 10	-----	69 48	-----	43,842 32	44,284 82
-----	-----	-----	-----	-----	-----	-----
1 32	150 00	-----	42 75	-----	2,106 80	2,300 87
92 58	268 74	-----	16 00	99 99	23,569 64	24,046 95
93 90	418 74	-----	58 75	99 99	25,676 44	26,347 82
-----	-----	-----	-----	-----	-----	-----
2 29	-----	-----	-----	-----	370 91	373 20
50 83	112 50	-----	-----	-----	5,220 90	5,384 23
-----	75 00	1 25	1 00	-----	1,534 44	1,611 69
4 43	87 51	1 50	-----	-----	3,351 94	3,445 38
57 55	275 01	2 75	1 00	-----	10,478 19	10,814 50
-----	-----	-----	-----	-----	-----	-----
6 00	16 66	-----	-----	-----	1,436 18	1,458 84
-----	68 76	-----	-----	-----	1,271 98	1,340 74
-----	-----	-----	-----	-----	-----	-----
6 00	85 42	-----	-----	-----	2,708 16	2,799 58
-----	-----	-----	-----	-----	-----	-----
-----	25 01	-----	-----	-----	1,582 54	1,607 55
684 00	3457 40	6 15	226 80	441 66	338,963 46	343,779 47

## Statement of Tolls, Water Rents, and Fines, collected at the several offices on the Ohio

Name of Canal and Office.	Fines Collected.	Water Rents Collected.	Tolls Collected.	Total Amount Collected.
<i>Ohio Canal.</i>				
Cleveland -----	\$110 00	\$87 50	\$27,847 31	\$28,044 81
Akron -----			15,490 52	15,490 52
Massillon -----	1 00	162 50	6,000 21	6,163 71
Dover -----			5,629 77	5,629 77
Roscoe -----	12 00	9 88 50	4,993 97	5,994 47
Dresden -----	8 00		11,147 89	11,155 89
Newark -----	26 00		13,538 27	13,564 27
Carroll -----	27 33		12,037 81	12,065 14
Columbus -----		312 50	4,089 02	4,401 52
Circleville -----		500 00	5,033 26	5,533 26
Chillicothe -----		400 00	7,088 87	7,488 87
Portsmouth -----	15 00		7,010 19	7,025 19
	199 33	2,451 00	119,907 09	122,557 42
<i>Miami Canal.</i>				
Cincinnati -----	39 30	1,421 09	19,814 38	21,274 77
Hamilton -----			1,249 43	1,249 43
Middletown -----		165 00	2,529 49	2,694 49
Dayton -----		445 00	3,462 58	3,907 58
	39 30	2,031 09	27,055 88	29,126 27
<i>Miami Ex. Canal.</i>				
Dayton -----		264 25	5,939 19	6,203 44
Piqua -----			5,699 91	5,699 91
Junction -----	13 36	53 06	27,158 76	27,225 18
	13 36	317 31	38,797 86	39,128 53
<i>W. &amp; Erie Canal.</i>				
Junction -----				
Maumee City -----		560 97	989 42	1,550 39
Toledo -----	35 00	506 61	33,321 50	33,863 11
	35 00	1,067 58	34,310 92	35,413 50
<i>Musk. Improvem't.</i>				
Dresden -----			773 18	773 18
Zanesville -----		850 00	4,061 13	4,911 13
McConnelsville -----			1,101 03	1,101 03
Harmar -----		234 00	4,177 10	4,411 10
		1,084 00	10,112 44	11,196 44
<i>Hocking Canal.</i>				
Carroll -----			647 52	647 52
Nelsonville -----			2,299 72	2,299 72
			2,947 24	2,947 24
<i>Walhond'g Canal.</i>				
Roscoe -----	- -	- - - -	344 13	344 13
Total -----	286 99	6,950 98	233,475 56	240,713 53

*Canals, and paid into the State Treasury during the quarter ending Nov. 15, 1847.*

Tolls Re- funded.	Salary, Of- fice rent and Clerk hire.	Post- age.	Incidental Expenses.	Inspect'r's Salary.	Amount paid into Treasury.	Total Amount.
\$62 64	\$200 00	\$ 05	\$1 00	\$100 00	\$27,681 12	\$28,044 81
9 39	193 74	-----	-----	99 99	15,187 40	15,490 52
1 06	183 34	1 60	1 25	-----	5,975 29	6,162 54
1 18	137 51	-----	-----	-----	5,491 08	5,629 77
4 61	106 26	-----	2 25	-----	5,881 35	5,994 47
16 11	118 74	30	-----	-----	11,020 74	11,155 89
1 28	131 22	05	4 54	-----	13,427 52	13,564 61
1 34	133 32	-----	2 75	-----	11,927 73	12,065 14
5 45	93 75	-----	5 37	-----	4,296 95	4,401 52
3 42	124 98	-----	-----	-----	5,404 86	5,533 26
5 67	124 98	-----	-----	-----	7,358 22	7,488 87
4 85	111 00	-----	5 00	66 66	6,837 68	7,025 19
117 00	1,658 84	2 00	22 16	266 65	120,489 94	122,556 59
116 87	358 36	-----	51 05	116 65	20,425 42	21,267 35
-----	75 00	-----	-----	-----	1,189 96	1,264 96
5 30	124 98	-----	-----	-----	2,564 21	2,694 49
26 30	174 99	05	-----	-----	3,706 24	3,907 58
147 47	733 33	05	51 05	116 65	28,085 83	29,134 38
6 78	-----	-----	50	-----	6,096 16	6,103 44
4 23	100 02	-----	-----	-----	5,595 66	5,699 91
94 00	193 74	-----	2 51	-----	26,934 93	27,225 18
105 01	293 76	--	3 01	-----	38,626 75	39,028 53
18 42	150 00	-----	-----	-----	1,381 97	1,550 39
83 08	268 74	-----	44 34	99 99	33,366 96	33,863 11
101 50	418 74	-----	44 34	99 99	34,748 93	35,413 50
5 95	-----	-----	-----	-----	767 23	773 18
33 09	112 50	-----	-----	-----	4,765 54	4,911 13
16 20	75 00	1 45	-----	-----	1,008 38	1,101 03
8 37	87 51	95	-----	-----	4,314 27	4,411 10
63 61	275 01	2 40	-----	-----	10,855 42	11,196 44
10 29	25 03	-----	-----	-----	612 20	647 52
-----	104 18	1 20	-----	-----	2,194 38	2,299 76
10 29	129 21	1 20	-----	-----	2,806 58	2,947 28
-----	25 00	-----	-----	-----	319 13	344 13
544 88	3533 89	5 65	120 56	483 29	235,932 58	240,620 85

## Statement of Tolls, Water Rents, and Fines, collected at the several offices on the Ohio

Name of Canal and Office.	Fines Collected.	Water Rents Collected.	Tolls Collected.	Total Amount Collected.
<i>Ohio Canal.</i>				
Cleveland -----	\$355 92	\$832 50	\$65,560 74	\$66,749 16
Akron -----	3 00	55 00	50,978 14	51,036 14
Massillon -----	1 00	650 00	45,736 57	46,387 57
Dover -----	35 00	200 00	32,280 03	32,515 03
Roscoe -----	44 00	3,035 25	25,137 61	28,216 86
Dresden -----	8 00	-----	35,340 34	35,348 34
Newark -----	88 00	120 00	52,035 77	52,243 77
Carroll -----	42 33	-----	39,420 35	39,462 68
Columbus -----	11 00	687 50	16,372 45	17,070 95
Circleville -----	4 50	1,400 00	22,514 91	23,919 41
Chillicothe -----	83 00	2,219 31	29,335 92	31,638 23
Portsmouth -----	35 06	342 69	27,564 87	27,942 62
	710 81	9,542 25	442,277 70	452,530 76
<i>Miami Canal.</i>				
Cincinnati -----	187 30	12,165 92	52,550 74	64,903 96
Hamilton -----	-----	-----	7,052 52	7,052 52
Middletown -----	25 00	465 00	15,359 42	15,849 42
Dayton -----	-----	2,345 00	29,625 43	31,970 43
	212 30	14,975 92	104,588 11	119,776 33
<i>Miami Ex. Canal.</i>				
Dayton -----	-----	440 75	8,730 64	9,171 39
Piqua -----	-----	276 00	22,446 81	22,722 81
Junction -----	133 36	259 88	70,035 44	70,428 68
	133 36	976 63	101,212 89	102,322 86
<i>W. &amp; Erie Canal.</i>				
Junction -----	-----	-----	1,724 24	1,724 24
Maumee City -----	10 00	1,418 67	3,714 34	5,143 01
Toledo -----	224 08	819 11	62,803 39	63,846 58
	234 08	2,237 78	68,241 97	70,713 83
<i>Musk. Improvem't.</i>				
Dresden -----	-----	-----	3,206 28	3,206 28
Zanesville -----	-----	3,520 00	22,176 81	25,696 81
McConnelsville -----	-----	-----	6,016 02	6,016 02
Harmar -----	-----	1,266 91	14,785 39	16,052 30
	-----	4,786 91	46,184 50	50,971 41
<i>Hocking Canal.</i>				
Carroll -----	-----	\$200 00	\$2,588 85	\$2,788 85
Nelsonville -----	\$5 00	-----	4,529 59	4,534 59
	5 00	200 00	7,118 44	7,323 44
<i>Walbond'g Canal.</i>				
Roscoe -----	5 00	133 00	2,190 77	2,328 77
Total -----	1,300 55	32,852 49	771,814 38	805,967 42



*Cana's, and paid into the State Treasury, during the year ending Nov. 15, 1847.*

Tolls Re- funded.	Salary, Of- fice rent and Clerk hire.	Post- age.	Incidental Expenses.	Inspect'r's Salary.	Amount paid into Treasury.	Total Amount.
\$364 65	\$1400 00	\$0 85	\$9 39	\$400 00	\$64,574 27	\$66,749 16
17 82	774 96	31	58 06	379 17	49,795 82	51,026 14
18 92	539 58	5 80	13 63	-----	45,936 16	46,514 09
6 16	539 60	1 25	25	-----	31,967 77	32,515 03
35 86	425 03	-----	2 25	-----	27,753 72	28,216 86
47 70	464 54	30	-----	-----	34,835 80	35,348 34
109 25	514 48	10	4 54	-----	51,615 05	52,244 02
58 94	400 00	-----	2 75	-----	39,996 15	40,457 84
19 96	364 60	-----	70 75	-----	16,615 64	17,070 95
117 54	499 95	-----	-----	-----	23,301 92	23,919 41
42 13	499 92	65	2 14	-----	31,093 39	31,638 23
72 73	610 50	-----	5 00	366 66	26,887 73	27,942 62
911 66	7,933 16	9 26	168 76	1145 83	444,374 02	453,642 69
320 14	912 54	2 20	338 04	366 64	62,956 96	64,896 54
30	275 00	-----	-----	-----	7,059 95	7,335 25
7 26	503 40	-----	-----	-----	15,338 76	15,849 42
42 46	678 80	30	18 97	-----	31,229 90	31,970 43
370 16	2,369 74	2 50	357 01	366 64	116,585 59	120,051 64
6 78	-----	-----	50	-----	9,064 11	9,071 39
47 86	433 40	-----	8 18	-----	22,233 37	22,722 81
125 25	743 72	25	77 42	-----	67,775 38	68,722 02
179 89	1,177 12	25	86 10	-----	99,072 86	100,516 22
1 00	-----	-----	-----	-----	3,272 65	3,273 65
19 74	6 50	-----	55 22	-----	4,473 05	5,198 01
205 25	1,033 31	-----	141 77	400 00	62,066 25	63,846 58
225 99	1,683 31	---	196 99	400 00	69,811 95	72,318 24
9 29	-----	-----	-----	-----	3,197 59	3,206 88
94 71	450 00	15	1 00	-----	24,180 95	24,726 81
19 41	275 00	5 35	1 25	-----	5,690 01	5,991 02
15 04	350 07	5 06	1 97	-----	15,360 50	15,732 64
138 45	1,075 07	10 56	4 22	-----	48,429 05	49,657 35
\$24 67	\$91 67	-----	-----	-----	\$2,672 51	\$2,788 85
8 63	300 04	4 23	-----	-----	4,513 47	4,826 37
33 30	391 71	4 23	-----	-----	7,185 98	7,615 22
-----	100 01	-----	-----	-----	2,228 76	2,328 77
1859 45	13,330 12	26 80	813 08	1912 47	787,688 21	806,130 13
Tolls and water rents coll'ct'd on judg'ts, &c					\$3,105 54	\$3,105 54
Total					790,793 75	809,235 67

The following tabular statement exhibits the amounts received by the collectors on the Ohio canals, for tolls, water rents, and fines; the amount paid to collectors and inspectors, and for incidental expenses; net amount paid into the State Treasury; amount paid to engineers and lock-tenders, and for superintendence and repairs, and the balance remaining. From the year 1827 up to the 15th November, 1847.

Year.	Amount rec'd for tolls, water rents, and fines, exclusive of tolls refund'd.	Collectors' and Inspectors' salaries, and incidental expenses of collection.	Net amount paid into the State Treasury.	Amount of checks issued for payment of engineers and lock-tenders, and for superintendence and repairs *	Amount paid at Treasury to engineers, lock-tenders, and for superintendence and repairs *	Balance remaining applicable to the payment of interest on the public debt.
1827	\$1,500 00	\$700 00	.....	.....	.....	.....
1828	10,663 23†	900 00	\$563 39	.....	.....	.....
1829	26,946 54	2,300 00	.....	\$10,329 59	.....	.....
1830	60,604 27	2,500 00	73,566 47‡	6,938 05	.....	\$42,292 07
1831	101,592 15	5,908 84	94,619 15	6,605 06	.....	26,314 08
1832	116,786 87	9,029 11	104,284 53	9,237 91	.....	22,137 37
1833	179,973 06	9,614 63	170,358 44	39,410 09	.....	130,948 35
1834	214,629 97	7,550 00	186,932 76	79,793 86	.....	107,138 90
1835	238,612 61	8,700 72	237,657 14	92,802 67	.....	144,854 47
1836	247,158 16	10,214 49	236,943 67	113,615 58	.....	123,328 09
1837	352,547 13	10,520 23	336,714 40	162,245 73	.....	174,468 67
1838	452,152 01	12,453 03	435,949 34	225,002 24	.....	210,947 10
1839	490,958 12	12,024 61	478,933 51	240,618 32	.....	238,315 19
1840	520,160 65	12,686 74	503,473 91	135,556 50	\$91,057 87	358,332 41
1841	504,163 34	13,234 78	472,595 47	175,044 04	186,509 30	283,087 32
1842	506,396 81	15,365 34	480,578 91	149,852 21	147,046 03	305,697 06
1843	456,785 93	17,682 87	439,076 08	159,803 46	144,714 53	222,819 23
1844	519,515 52	15,484 44	509,676 70	183,513 03	177,185 82	290,934 48
1845	481,606 81	14,848 51	466,598 51	262,315 91	243,749 89	155,598 25
1846	610,475 31	15,483 05	595,479 09	186,562 13	233,232 59	410,978 59
1847	804,107 97	16,582 47	788,977 12	255,640 75	315,178 44	533,336 37

\* The amount in these columns also include checks drawn and payments made for awards of damages.

† Those amounts, up to the year 1832, inclusive, are made up to the 1st of December in each year, being the gross amount collected at the several collectors' offices. After the year 1832, to the year 1841, inclusive, the amount is made up to the 1st day of November, and from that time forward to the 15th of November in each year.

‡ This amount includes tolls collected in previous years.

|| The deficit in this sum is occasioned by the delinquency of N. Seaman's, Collector at Cincinnati.

NOTE.—In some cases, the money paid into the State Treasury includes money which had been received by the collector in a previous year, but had not reached the Treasury at the close of the fiscal year; and, in some cases, money collected within the year had not reached the Treasury at the close of the year.

TABLE showing the amount payable annually for rent of water power; also, the amount due, including arrearages, on the 30th Nov. 1847, at the several offices on each of the Ohio canals.

Name of Work and Office.	Amount of yearly Rent.	Am't due Nov. 30, 1847, including arrearages.
<i>Ohio Canal.</i>		
Cleveland -----	\$715 00	\$87 50
Massillon -----	825 00	800 00
Roscoe -----	3,250 00	3,727 81
Newark -----	820 00	5,000 00
Carroll -----	675 00	4,571 50
Columbus -----	640 00	614 00
Circleville -----	1,000 00	100 00
Chillicothe -----	2,223 00	362 50
Portsmouth -----	1,300 00	2,250 00
Total Ohio Canal -----	11,448 00	17,513 31
<i>Miami Canal.</i>		
Cincinnati -----	13,801 00	1,820 50
Hamilton -----	834 50	2,317 00
Middletown -----	2,545 00	11,302 65
Dayton -----	2,290 00	-----
Total Miami Canal -----	19,470 50	15,440 15
<i>Miami Extension Canal.</i>		
Dayton -----	496 00	26 06
Piqua -----	1,629 00	1,513 03
Junction -----	75 00	-----
Total Miami Extension Canal -----	2,200 00	1,539 09
<i>Muskingum Improvement.</i>		
Zanesville -----	3,750 00	3,250 00
McConnelsville -----	1,995 00	6,638 67
Harmar -----	1,468 00	500 00
Total Muskingum Improvement -----	7,213 00	10,388 67
<i>Wabash and Erie Canal</i>		
Junction -----	575 00	410 06
Maumee City -----	1,907 50	1,843 75
Toledo -----	1,000 00	375 00
Total Wabash and Erie Canal -----	3,482 50	2,628 81
<i>Hocking Canal.</i>		
Carroll -----	500 00	100 00
<i>Walhonding Canal.</i>		
Roscoe -----	133 00	-----
Total of all the public works -----	44,447 00	47,610 03

ANNUAL REPORT  
OF THE  
TREASURER OF STATE.

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TREASURY OFFICE, OHIO,  
COLUMBUS, DECEMBER 11, 1847.

*To the Honorable  
The General Assembly of the State of Ohio :*

The Treasurer of State, in compliance with the duties assigned him by law, submits to the Honorable General Assembly of the State of Ohio, the following statement of the receipts and disbursements of the public moneys, during the year ending Nov. 15, 1847 :

GENERAL REVENUE.

Balance remaining in the Treasury, Nov. 15, 1846,	\$57,229 01 2
Amount received from county treasurers-----	1,167,994 48 3
Amount of taxes received through the Auditor of State's office-----	32,169 97 0
Amount received from Commercial Bank of Cincinnati and Sandusky City Bank-----	1,482 64 0
Amount received from Samuel Galloway, Secretary of State -----	849 31 0
Amount of costs collected, State <i>vs.</i> Carle-----	26 07 0
Amount received from B. Metcalf-----	6 00 0
	<hr/> 1,259,757 48 5

Amount disbursed, to wit :

Amount transferred to Canal Fund-----	\$690,422 95 8
Amount transferred to State Common School Fund-----	89,348 64 7
Amount of treasury bills redeemed, 209,813 33 0	
Amount credited Lancaster Ohio Bank, on judgment-----	2,066 00 0
	<hr/> 1,191,650 93 5
Balance in the Treasury, Nov. 15, 1847-----	<hr/> \$68,106 55 0

*State Common School Fund.*

Balance remaining in the Treasury, Nov. 15, 1846--	\$31,691 14 6
Amount received from banks, insurance and bridge companies -----	41,748 52 0
Amount transferred from General Revenue-----	89,348 64 7
Amount transferred from Surplus Revenue-----	2,167 34 1
Amount transferred from Surplus Revenue Interest Fund -----	600 09 0
Interest on Surplus Revenue deposited with the several counties -----	83,842 27 6
	<hr/>
	249,398 02 0
Amount disbursed, viz:	
Amount paid the several counties-----	\$200,654 54.
Amount of drafts returned for nonpayment-----	664 77
	<hr/>
	201,319 31 0
	<hr/>
Balance, Nov. 15, 1847-----	48,078 71 0
	<hr/>

*School Section Sixteen.*

Amount appropriated from Interest Fund -----	\$54,141 90 3
Amount appropriated from Canal Fund-----	5,587 99 9
	<hr/>
	59,729 90 2
Deduct amount paid county treasurers-----	59,729 90 2
	<hr/>

*Virginia Military School Fund.*

Balance in the Treasury, Nov. 15, 1846-----	\$3,605 27 0
Amount appropriated from Interest Fund -----	7,827 25 2
Amount appropriated from Canal Fund-----	274 78 1
Amount received from rents of the Va. School Lands, -----	3,700 28 0
	<hr/>
	15,407 58 3
• Deduct amount paid county treasurers-----	11,707 30 3
	<hr/>
Balance, Nov. 15, 1847 -----	3,700 28 0
	<hr/>

*United States Military School Fund.*

Amount appropriated from Interest Fund -----	\$7,181 76 0
Deduct amount paid county treasurers-----	7,181 76 0
	<hr/>

*Connecticut Western Reserve School Fund.*

Amount appropriated from Interest Fund -----	\$8,699 93 9
Amount appropriated from Canal Fund-----	819 59 0
	<hr/>
	9,519 52 9
Deduct amount paid county treasurers -----	9,519 52 9
	<hr/> <hr/>

*Moravian School Fund.*

Amount appropriated from Interest Fund -----	\$85 28 8
Deduct amount paid Treasurer of Tuscarawas county,	85 28 8
	<hr/> <hr/>

*Ministerial Section Twenty-Nine.*

Amount appropriated from Interest Fund -----	\$1,213 62 0
Amount appropriated from Canal Fund-----	367 17 0
	<hr/>
	1,580 79 0
Deduct amount paid county treasurers -----	1,548 57 0
	<hr/>
Balance, Nov. 15, 1847 -----	32 22 0
	<hr/> <hr/>

*Ohio University.*

Balance in the Treasury, Nov. 15, 1846-----	\$56 92 0
Amount appropriated from Interest Fund -----	56 92 0
	<hr/>
	113 84 0
Deduct amount paid Treasurer of Athens county----	113 84 0
	<hr/> <hr/>

*Commercial Hospital and Lunatic Asylum.*

Amount received from county treasurers-----	\$439 28 0
Deduct amount paid Treasurer of Hamilton county--	207 28 0
	<hr/>
Balance, Nov. 15, 1847-----	232 00 0
	<hr/> <hr/>

*Surplus Revenue.*

Balance in the Treasury, Nov. 15, 1846-----	\$58,580 04 5
Amount received from county treasurers-----	142,262 13 8
Amount transferred from Canal Fund-----	27,716 58 0
	<hr/>
	228,538 76 3

From which deduct the following amounts, viz :

Amount appropriated for the redemption of Turnpike Bonds-----	\$104,192 92 0
Amount transferred to State Common School Fund-----	2,167 34 1
Amount paid Treasurer of Hancock county-----	169 45 0
Amount paid Treasurer of Williams county-----	401 24 0
	<hr/>
	106,930 95 1
	<hr/>
Balance, Nov. 15, 1847-----	121,607 81 2
	<hr/>

*Surplus Revenue Interest Fund.*

Balance in the Treasury, Nov. 15, 1846-----	\$607 14 8
Amount received from county treasurers-----	369 46 0
Amount appropriated from Canal Fund-----	5,786 17 1
	<hr/>
	6,762 77 9

From which deduct the following amounts, viz :

Amount paid county treasurers-----	\$6,609 03 9
Amount transferred to State Common School Fund-----	600 09 0
	<hr/>
	7,209 12 9
	<hr/>
Amount of overdraft, Nov. 15, 1847-----	446 35 0
	<hr/>

*Canal Fund.*

Amount transferred from general revenue-----	\$890,422 95 8
Tolls received on the Ohio Canal-----	444,774 02 0
Miami Canal-----	116,585 59 0
Miami Extension Canal-----	99,072 86 0
Wabash and Erie Canal-----	69,811 95 0
Muskingum Improvement---	48,429 05 0
Hocking Canal-----	7,185 98 0
Walhonding Canal-----	2,228 76 0

Amount received of Fund Commissioners-----	59,178 76 0
Amount received from Turnpike Comp's, (divi'ds,)	36,848 10 0
Amount received from sales of School Sec. Sixteen	32,496 55 2
Amount received from sales of Ministerial Section twenty-nine-----	3,306 44 7
Amount received from sales of United States Military School Lands-----	4 73 4
Amount received from sales of Moravian School Lands-----	447 30 2
Amount received from sales of Virginia Military School Lands-----	\$434 07 0
Amount received from sale of Ohio Railroad-----	400 00 0
Amount received from H. Stanbery, Att'y General,	2,659 54 0
Amount received from J. Blickensderfer, Jr., Acting Commissioner-----	29 39 0
Amount received from N. Beall-----	79 26 0
Amount received from sale of Ohio Canal Lands--	277 38 0
Amount received from Farmers Bank of Canton--	300 00 0
Amount received from John Schock-----	46 00 0
Amount received from Charles B. Goddard, Esq.,--	49 17 0
Amount transferred from Western Reserve and Maumee Road tolls-----	3,935 58 0
	<hr/>
	\$1,819,003 45 3

#### *Disbursements.*

Amount appropriated to Interest Fund -----	\$676,843 42 7
Amount appropriated to Ohio Canal	104,603 14 0
Amount appropriated to Miami & Miami Extension Canal-----	85,671 96 0
Amount appropriated to Musking- um Improvement-----	65,474 02 0
Amount appropriated to Wabash and Erie Canal-----	40,918 42 0
Amount appropriated to Hocking Canal-----	7,745 31 0
Amount appropriated to Walhond- ing Canal-----	5,592 23 0
Amount appropriated to the re- demption of Canal, School and Ministerial Bonds-----	2,472 68 0
Amount appropriated to the re- demption of Faith and Credit Bonds-----	8,061 13 0
Amount appropriated to Surplus Revenue Interest Fund-----	5,786 17 1



Amount appropriated to Western Reserve and Maumee Road----	3,935	59	0	
Amount appropriated to Contingent Fund of Board of Public Works	2,126	42	0	
Amount appropriated to Contingent Fund of Fund Commissioners--	1,558	24	5	
Amount appropriated to Domestic Interest Fund-----	42,852	76	0	
Amount appropriated to School Funds-----	7,049	53	9	
Amount paid C. S. Sill for the payment of interest-----	8,284	25	0	
Amount paid Isaac Lynch, Surplus Revenue paid Athens county--	12,594	37	0	
Amount paid John Woods, agent for the payment of interest----	27,000	00	0	
Amount paid E. N. Sill, agent for the payment of interest-----	593,761	54	0	
Amount transferred to Canal Sinking Fund -----	25,000	00	0	
Amount transferred to Surplus Revenue-----	27,716	58	0	1,755,047 77 2
Balance Nov. 15, 1847-----				<u><u>\$63,955 68 1</u></u>

*Canal Sinking Fund.*

Balance in the Treasury Nov. 15, 1846-----	\$31,349	19	
Amount received of R. McCabe, Treasurer of Athens county-----		500	84
Amount transferred from Canal Fund-----		25,000	00
		56,850	03
Deduct amount paid E. N. Sill-----		23,660	78
Balance Nov. 15, 1847-----		<u><u>\$33,189</u></u>	<u><u>25</u></u>

*Wabash and Erie Canal Land.*

Balance in the Treasury Nov. 15, 1846-----	\$10,139	98	
Amount received of H. Davison, Receiver at Lima	12,806	64	
Amount received of John Webb, Receiver at Perrysburg-----		11,718	46
		<u><u>\$34,665</u></u>	<u><u>08</u></u>

Deduct the following amounts, viz :

Amount paid J. C. Curtis-----	\$25 00	
Amount paid John C. Spink-----	50 00	
Amount appropriated to the redemption of Domestic Stock receivable for Wa- bash and Erie Canal land-----	3,192 00	3,267 00
		<hr/>
Balance Nov. 15, 1847-----		\$31,398 08
		<hr/>

*Miami Extension Canal Land Fund.*

Balance Nov. 15, 1846-----	\$7,838 28
Amount received of H. Davison, Receiver at Lima,	27,800 73
Amount received of John Webb, Receiver at Perrys- burg -----	50 00
Amount received of A. Beaty, Treasurer Allen Co., for lands sold said county -----	279 70
	<hr/>
	\$35,968 71

Deduct the following amounts, viz :

Amount paid Samuel Koogler-----	\$174 00	
Amount appropriated for the redemption of bonds receivable for said land-----	1,965 00	2,139 00
		<hr/>
Balance Nov. 15, 1847-----		\$33,829 71
		<hr/>

*Interest Fund.*

Balance in the Treasury Nov. 15, 1846-----	\$3,261 98 5
Amount transferred from Canal Fund-----	676,843 42 7
Amount appropriated from Canal Fund-----	42,852 76 0
Amount appropriated from National Road Fund---	968 71 0
	<hr/>
	723,926 88 2

From which deduct the following amounts, viz :

Amount paid E. N. Sill-----	\$591,840 60 8	
Amount interest on Domestic Bonds	51,024 59 0	
Amount paid John Woods-----	1,615 00 0	
Amount paid Joseph Whitehill---	240 00 0	
Amount appropriated to interest on School Funds-----	79,206 68 4	\$723,926 88 2
		<hr/>

*National Road Fund.*

Balance Nov. 15, 1846-----	\$10,888 06
Amount of tolls received-----	42,614 59
Amount received of Fund Commissioners (in Bonds)-	29,605 26
	<hr/>
	83,107 91
Deduct the following amounts, viz :	
Amount disbursed in cash-----	\$34,407 42
Amount disbursed in bonds-----	<del>29,388</del> 22
Amount appropriated to domestic interest	968 71
	<hr/>
Balance Nov. 15, 1847-----	<u>\$18,343 56</u>

*Western Reserve and Maumee Road.*

Balance November 15, 1846-----	\$9,520 8
Amount of tolls received of C. Howard, Res't Eng'r--	7,340 89
	<hr/>
	16,861 17
Deduct the following amounts, viz :	
Amount transferred to Canal Fund-----	\$3,935 58
Amount appropriated to contracts and re-	
pairs -----	9,264 35
	<hr/>
Balance Nov. 15, 1847-----	<u>\$3,661 24</u>

*Three Per Cent. Fund.*

Balance in the Treasury Nov. 15, 1846-----	\$195 63
Amount received of the Treasurer of the United States upon the Auditor of State's draft, \$65,749 09, which was obtained by the agent of the State, upon con- tract made by Gov. M. Bartley, under a resolution of the General Assembly, by which he was to re- ceive twenty per cent. of the sum obtained. Re- maining in the treasury-----	52,599 28
	<hr/>
	52,794 91
Deduct amount paid to Delaware county-----	130 00
	<hr/>
Balance in the treasury Nov. 15, 1847-----	<u>\$52,664 91</u>

## PUBLIC WORKS.

*Ohio Canal.*

Balance in the Treasury, Nov. 15, 1846 -----	\$10,000 00
Amount appropriated from Canal Fund -----	104,603 14
	<hr/>
	114,603 14
Deduct amount disbursed -----	113,543 14
	<hr/>
Balance, Nov. 15, 1847 -----	<u>\$1,060 00</u>

*Miami and Miami Extension Canal.*

Balance in the Treasury, Nov. 15, 1846 -----	\$4,046 41
Amount appropriated from Canal Fund -----	85,671 96
	<hr/>
	89,718 37
From which deduct amount disbursed -----	89,133 87
	<hr/>
Balance, Nov. 15, 1847 -----	<u>\$584 50</u>

*Wabash and Erie Canal.*

Balance, Nov. 15, 1846 -----	\$5,335 59
Amount appropriated from Canal Fund -----	40,918 42
	<hr/>
	46,254 01
From which deduct amount disbursed -----	40,004 18
	<hr/>
Balance, Nov. 15, 1847 -----	<u>\$6,249 83</u>

*Muskingum Improvement.*

Amount appropriated from Canal Fund -----	\$65,474 02
From which deduct amount disbursed -----	59,159 71
	<hr/>
Balance, Nov. 15, 1847 -----	<u>\$6,314 31</u>

*Hocking Canal.*

Amount appropriated from Canal Fund -----	\$7,745 31
Deduct amount disbursed -----	<u>7,745 31</u>

*Walhonding Canal.*

Amount appropriated from Canal Fund -----	\$5,592 23
From which deduct amount disbursed -----	<u>5,592 23</u>

*Warren County Canal.*

Balance in Treasury, Nov. 15, 1846 -----	<u>\$1,393 31</u>
--	-------------------

*Western Reserve and Maumee Road.*

Balance in the Treasury, Nov. 15, 1846 -----	\$1,053 49
Amount appropriated from Canal Fund -----	3,935 58
Amount appropriated from tolls received on said road,	9,264 35
	<u>14,253 42</u>
Deduct amount disbursed -----	<u>14,253 42</u>

*Expenses of Fund Commissioners.*

Balance in the Treasury, Nov. 15, 1846 -----	\$483 43 5
Amount appropriated from Canal Fund -----	1,558 24 5
	<u>2,041 68 0</u>
Deduct amount disbursed -----	<u>1,735 58 0</u>
Balance, Nov. 15, 1847 -----	<u>\$306 10 0</u>

*Domestic Bonds.*

Amount appropriated from Surplus Revenue for the redemption of turnpike bonds -----	\$104,192 92
Amount appropriated from Wabash and Erie Canal Land Fund for the redemption of bonds receivable for said lands -----	<u>3,192 00</u>

Amount appropriated from Miami Extension Land Fund for the redemption of bonds receivable for said lands -----	1,965 00
Amount appropriated from Canal Fund for the redemption of faith and credit bonds -----	8,061 13
Amount appropriated from Canal Fund for the redemption of bonds receivable for school, canal, and ministerial lands -----	2,472 68
	<hr/>
	119,883 73

From which deduct the following amounts, viz :

Turnpike bonds redeemed -----	\$104,192 92
Wabash and Erie Canal bonds -----	3,192 00
Miami Extension Canal bonds -----	1,965 00
Faith and credit bonds -----	8,061 13
Canal, school, and ministerial bonds -----	2,472 68
	<hr/>
	\$119,883 73

*Turnpike Companies.*

Balance remaining in the Treasury, Nov. 15, 1846--	\$23,660 78
Amount received of Fund Commissioners -----	32,052 55
	<hr/>
	55,713 33
Amount disbursed -----	55,713 33
	<hr/>

*Contingent Fund of Board of Public Works.*

Balance, Nov. 15, 1846 -----	\$263 27
Amount appropriated from Canal Fund -----	2,126 42
	<hr/>
	2,389 69
Amount disbursed -----	2,389 69
	<hr/>

RECAPITULATION.

Balance remaining in the Treasury Nov. 15, 1847—

General Revenue -----	\$68,106 55 0
State Common School Fund -----	48,078 71 0
Virginia Military School Fund -----	3,700 28 0
Ministerial section twenty-nine -----	32 22 0

Commercial Hospital and Lunatic Asylum -----	232 00 0
Surplus Revenue -----	121,607 81 2
Canal Fund -- -----	63,955 68 1
Canal Sinking Fund -----	33,189 25 0
Miami Extension Land Fund -----	33,829 71 0
Wabash and Erie Canal Land Fund -----	31,398 08 0
National Road Fund -----	18,943 56 0
Western Reserve and Maumee Road tolls -----	3,661 24 0
Three per cent. Fund -----	52,664 91 0
Ohio Canal -----	1,060 00 0
Miami and Miami Extension Canal -----	584 50 0
Wabash and Erie Canal -----	6,249 83 0
Muskingum Improvement -----	6,314 31 0
Warren County Canal -----	1,393 31 0
Expenses of Fund Commissioners -----	306 10 0
	<hr/>
	\$494,708 05 3
Amount of overdraft on Surplus Revenue Interest Fund -----	446 35 0
	<hr/>
Total amount of balance in the Treasury, Novem- ber 15, 1847 -----	<u>\$494,261 70 3</u>

By the statement in this report it appears that the balance of the Canal Fund in the Treasury, is \$63,955 58 1. In this sum is included the amount of a draft taken conditionally of my predecessor, upon one of the depositories, of \$7,382 02, which has not been paid, but it is hoped, and there is reason to believe, that it will soon be arranged satisfactorily.

It also includes \$6,000 not yet paid over by the late Treasurer, for the reason that he claims that he should have credit on the books to this amount, for money by him paid out—which he has not received. He is, however, ready to pay it over whenever it shall appear that he ought so to do. If it is found that he is entitled to the credit claimed, the balance will be six thousand dollars less than is above stated.

In the General Revenue balance there is included the following :

In the hands of G. W. Gazley-----	\$250 00
O. Parrish note-----	75 00
Judgment against Axtel-----	85 00
Counterfeit and altered bank notes-----	881 00
	<hr/>
	\$1,291 00

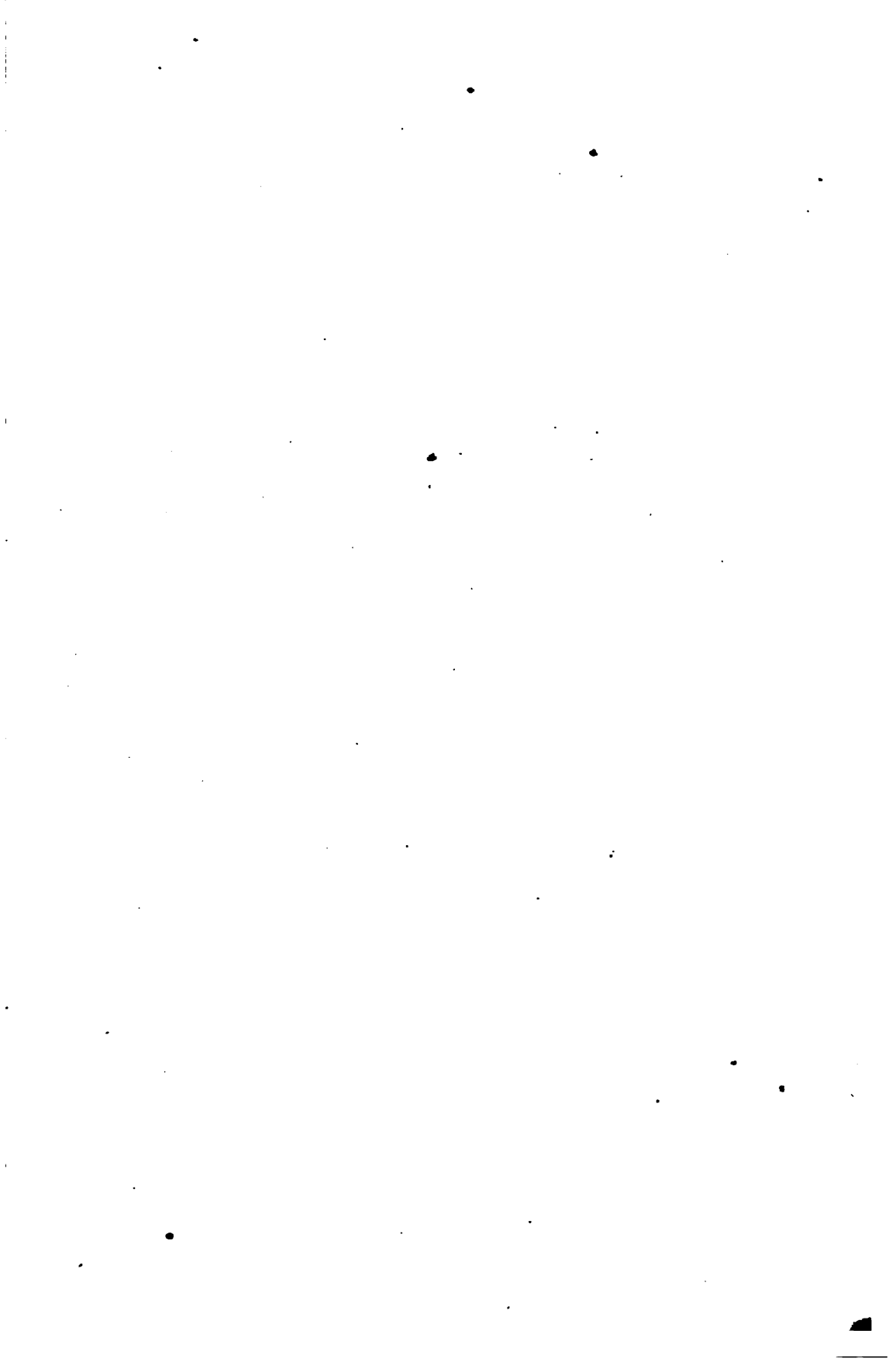
Of the three first items I can learn nothing, except that they are supposed to be utterly worthless. They have for a long time encumbered the books, having been transferred to the late Treasurer by his predecessor.

The counterfeit and altered bank notes have been accumulating, as I understand, for the last twenty-five years. This small matter is submitted to the Legislature with the suggestion, whether it would not be well that the Treasurer receive credit for this sum, that these items may no longer appear upon the books.

There is also included in this balance the sum of \$21,620 24, being the indebtedness of the Urbana Banking Company to the State when it failed.—See Special Report of the late Treasurer, page 497, Legislative Documents, part first, session 1845-6. The affairs of the bank are now in the hands of a special receiver. In a letter from the receiver dated Dec. 1, 1847, he states: "with regard to the future prospects of payment, my opinion is, that the Bank will pay all its indebtedness; but as collections are extremely slow it is impossible for me to say *when* this will be accomplished."

A. A. BLISS,  
*Treasurer of State.*











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